ACTS

ACCESSION NO. 33065

RECEIVED

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OF THE

One Hundred and First Legislature

OF THE

STATE OF NEW JERSEY,

AND

THIRTY-THIRD UNDER THE NEW CONSTITUTION.



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HENRY C. KELSEY,
Secretary of State.

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ONE HUNDRED AND FIRST LEGISLATURE

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General Public Laws.

General Public Acts

PASSED BY THE

One Hundred and First Legislature.

CHAPTER II.

An Act relating to arrears of taxes in cities, towns and townships of this State, and to the payment thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen, or common council, or board of finance of any incorporated city of this State, or of the town council or township committee, to authorize and direct the collector and receiver of taxes, and other proper officer and officers of such city, town or township, to receive and collect, upon all taxes remaining due and unpaid, in whole or in part, in such city, town or township, on the date of the passage of this act, and which shall be paid on or before the thirty-first day of December, eighteen hundred and seventy-seven, interest not to exceed the rate of twelve per centum per annum, from the date on which such taxes became due and payable; and in such case no other interest or penalties on such taxes paid within the time aforesaid shall be collected; but in cases of sales of land for taxes heretofore assessed, the cost of advertising and auctioneer's fees shall be charged and collected on property which has been sold

Penalties on unpaid taxes remitted on payment of interest.

In cases of sale fees to be added.

for any of such taxes, and upon the payment of such taxes and interest and costs as aforesaid, at or before the time before mentioned, the proper officers or authorities of said cities, towns or townships shall respectively cancel and surrender any certificate of sale of property which may have been sold for such taxes, and which may then be held by any of said cities, towns or townships; the boards of aldermen or common councils of said cities or said town council or township committee may determine, by a general order or resolution, what rate of interest, not less than seven nor more than twelve per centum per annum, shall be paid on such past due taxes as aforesaid; *provided, however,* that nothing in this act contained shall authorize the receipt, under the provisions of this act, of any such taxes, in cases where land or real estate has been sold for such taxes and bought by any other person than said city, town or township, or some officer thereof for the use of such city, town or township, nor shall any lien upon real estate for taxes be released or affected, nor shall any sale of any real estate for taxes, or the delivery of any certificate or declaration of sale or deed therefor, be stayed or delayed by anything in this act contained.

Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

LEON ABBETT,
President of the Senate.

RUDOLPH F. RABE,
Speaker of the House of Assembly.

Approved February 12, 1877.

J. D. BEDLE,
Governor.

CHAPTER III.

A Supplement to an act entitled "An act relative to a sale of lands under a public statute or by virtue of any judicial proceeding," approved March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, the provisions of the first section of the act recited in the title of this act, and the provisions of the act amendatory thereof, approved April ninth, one thousand eight hundred and seventy-five, require certain advertisements to be published in two newspapers, which provisions have not been, in all instances, known or complied with, whereby the titles of certain lands have become defective or uncertain; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands made by any officer or other person since the approval of said amendatory act, shall be held to be invalid by reason of any failure to comply with the provisions of said acts relating to the publishing of advertisements in two newspapers; Advertisements made valid.

provided, that said sale or sales shall have been advertised in the manner directed in the act recited in the title of this act, in one newspaper printed and published at the county seat of the county in which said lands are situate; Proviso.

and provided, that all the other provisions of said last mentioned act in relation to the publication of advertisements of sales of land shall have been complied with. Proviso.

2. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved February 13, 1877.

CHAPTER IV.

Supplement to "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings."

Advertisements of adjourned sales validated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That where any sale of real estate has heretofore been duly advertised previous to an adjournment of the sale thereof, and said sale was publicly adjourned according to law and duly advertised in one of the same newspapers containing the original notice of sale, the purchaser of said real estate on such adjourned day of sale, having paid the price thereof and received his deed therefor, shall have as good and complete a title thereto as if the said adjourned sale had been duly advertised in the same two newspapers containing the original notice of sale, as now required by law.

2. *And be it enacted,* That this act shall take effect immediately.

Approved February 13, 1877.

CHAPTER V.

A Supplement to the act entitled "An act to regulate the action of replevin," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the sixth section of the act to

which this act is a supplement, which is in the words following, to wit:

"Every sheriff or coroner, before he makes deliverance of any goods or chattels, by virtue of any writ of replevin, shall take in his own name, from the plaintiff and two responsible persons as sureties, a bond in double the value of the goods and chattels mentioned in the writ (such value to be ascertained by the oath or affirmation of one or more disinterested witnesses, which oath or affirmation such sheriff or coroner is hereby authorized and required to administer,) and conditioned for prosecuting the suit with effect and without delay, and for duly returning the said goods and chattels in case a return shall be awarded; and if any sheriff or coroner shall take security otherwise, or neglect to take sufficient security, he shall answer for the value of the goods and chattels," be and the same is hereby amended so that the same shall read and be in the words following, to wit: Section amended recited.

Every sheriff or coroner, before he makes deliverance of any goods or chattels, by virtue of any writ of replevin, shall take in his own name, from the plaintiff and two responsible persons as sureties, a bond in double the value of the goods and chattels mentioned in the writ (such value to be ascertained by the oath or affirmation of one or more disinterested witnesses, which oath or affirmation may be made before such sheriff or coroner, or before any officer authorized by law to administer oaths,) and conditioned for prosecuting the suit with effect and without delay, and for duly returning the said goods and chattels in case a return shall be awarded; and if any sheriff or coroner shall take security otherwise, or neglect to take sufficient security, he shall answer for the value of the goods and chattels. Amendment.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1877.

CHAPTER VI.

A Further Supplement to the act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

Ballot boxes to be delivered by the county clerks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the county clerk with whom the ballot boxes are deposited pursuant to the fifty-second section of the act to which this is a further supplement, to deliver to any of the judges or inspectors of election of any township, ward or election district or precinct, the ballot box pertaining to such township, ward, or election district or precinct, ten days before any election to be held therein, notwithstanding the period of six months may not have elapsed since the same may have been deposited with him.

Penalty for failure to attend meeting of board of county canvassers, &c.

2. *And be it enacted*, That if any member of a board of election of any township, ward or district, who shall have been appointed by such board to attend the meeting of the board of county canvassers for such election, shall neglect or fail to attend such meeting at the time appointed therefor, or to deliver or safely transmit, at or before the hour of twelve o'clock, noon, of the day appointed for such meeting, to the clerk of the county, the original statement of the result of the election, pursuant to the sixtieth section of the act to which this is a further supplement, such member shall forfeit and pay to the county collector of such county, for the use of the county, the sum of one hundred dollars, to be sued for and recovered by such county collector, with costs, in any court of competent jurisdiction; and it shall be the duty of the clerk of the board of county canvassers immediately upon the adjournment of the board, to certify to the county collector the names of all members so failing to attend said board of county canvassers or to deliver or transmit such original statement; and the said county collector shall

forthwith thereafter institute proceedings to recover said penalty.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1877.

CHAPTER VII.

An Act to provide for the further relief of the poor.

Appropriation for poor may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation now made for the aid and relief of the poor in cities, boroughs and towns having five thousand inhabitants and upwards, has been already expended, or is or may be inadequate and insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the board of finance of any such city or town, or in the absence of such board, then the common council or other authority or board of any such city, borough or town, to increase said appropriation at any time during the fiscal year for which the same was made, in such amount as by said board or common council, as the case may be, may be deemed reasonably necessary for the purpose of such aid and relief; *provided*, such additional appropriation shall not exceed ten thousand dollars; *and provided further*, that it shall be the duty of such board or common council thus making appropriation, to adopt and enforce such measures and regulations respecting the disbursing such appropriation, or otherwise relieving the poor, in amount thereof, as in their judgment will seem a prudent, wise and economic expenditure of such appropriation and afford the desired aid to the poor.

Proviso.

Proviso.

Money may be borrowed.

2. *And be it enacted*, That said board or common council is hereby authorized to borrow the amount of money which such board or common council may by this act appropriate for the purpose of such appropriation in

anticipation of taxes next thereafter to be levied and to issue proper evidence or evidences of indebtedness therefor, to be signed by the mayor, sealed by the city, borough or town seal and attested by the clerk, and the said board or common council, as the case may be, shall provide for the repayment of the said borrowed money in the tax levy to be made next thereafter unless the same be previously paid, and it is hereby made the duty of said mayor to sign and the said clerk to attest and seal with the corporate seal such evidence of indebtedness the issue of which may be ordered under this act as herein provided.

3. *And be it enacted,* That this act shall take effect immediately.

Approved February 20, 1877.

CHAPTER VIII.

A Supplement to an act entitled "A further supplement to an act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which said supplement was approved April eleventh, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the first section of the act to which this is a supplement, which reads as follows:

Section amended recited.

"BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That a poll tax not exceeding one dollar shall be assessed upon every white male inhabitant of this State, of the age of twenty-one years and upwards, except the polls of all volunteers and sailors who have served for the period of one year or more, also those wounded and discharged in consequence thereof, in the armies or navies of the United States, who have been honorably discharged, and of all paupers, idiots

and insane persons; *provided*, that nothing in this shall in anywise interfere with the poll tax required to be raised by any special law in payment of bounties," be, and the same is hereby amended so as to read as follows:

Amendment.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a poll tax not exceeding one dollar shall be assessed upon every male inhabitant of this State, of the age of twenty-one years and upwards, except the polls of all volunteers and sailors who have served in the armies or navies of the United States, and been honorably discharged therefrom, and of all paupers, idiots and insane persons; *provided*, that nothing in this act shall in anywise interfere with the poll tax required to be raised by any special law in payment of bounties.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1877.

CHAPTER IX.

A Further Supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five.

Residence of directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary for any of the directors of any water company heretofore, or which may be hereafter, organized under the act to which this is a further supplement, or any other act, general or special, or in pursuance of any special charter, to reside in any specified township or city in this State, although it may be so required by any such act or special charter; neither shall it be necessary to limit the number of directors of any such company so organized or which may be so organized, under any of such acts or under any such special charter, to the number named therein or in any

Number of directors.

of them; *provided*, that the directors of any such company shall not be less than three in number.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1877.

CHAPTER X.

A Supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five.

Section amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirty-four of the act to which this is a supplement, and which now reads as follows: "Whenever, in the judgment of the board of directors of any corporation organized under this act, or incorporated under any law of this State, it shall be deemed advisable and most for the benefit of such corporation, that the same should be dissolved before the expiration of the time limited in its certificate of incorporation, or in its charter, it shall and may be lawful for such board of directors, within ten days after the adoption of a resolution to that effect by a majority of the whole board at any meeting called for that purpose, and of which meeting every director shall have received at least three days notice, to cause written or printed notice of the adoption of such resolution, to be mailed to each and every stockholder of such company residing in the United States; and also within said ten days cause a like notice to be published in one or more newspapers published and circulating in the county wherein such corporation shall have their principal office, and be conducting their business, at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of such stockholders to be held at the

office of such company in such county, to take action upon such resolution so adopted by the board of directors, and which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may, on the day so appointed, by consent of a majority in interest of the stockholders present, be adjourned from time to time for not less than eight days at any one time, of which adjourned meeting notice by advertisement in such paper shall be given; and if at any such meeting two-thirds in interest of all the stockholders shall consent that such dissolution shall take place, and signify such their consent in writing, then, and in such case, such company shall, upon filing such consent, duly attested by their secretary, in the office of the secretary of state, and receiving from him a certificate that such consent has been filed, be dissolved; and the board of directors of such company shall cause such certificate to be published four weeks successively, at least once in each week, in one or more of the newspapers published and circulating in the county in which such company has been located and conducting its business; and at the expiration of such time the said board shall proceed to settle up and adjust the business and affairs of such company in the same manner as though the same had been dissolved by the expiration of the time mentioned in their charter or certificate of incorporation; *provided*, that the secretary of state shall not issue the certificate of dissolution hereinbefore mentioned until satisfied by due proof that the requirements aforesaid have been fully complied with by such corporation," be and the same is hereby amended so that the board of directors of any corporation desiring a dissolution thereof as therein provided, shall in addition to the other acts and things therein required to be done, file with the secretary of state a list of the names and residences of the then existing board of directors with its officers, which list shall have been duly verified by the secretary or president of said board, and the secretary of state shall not issue the certificate of dissolution therein mentioned until such list shall have been filed as aforesaid.

Corporations desiring dissolution to file list of directors, &c., with secretary of state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1877.

CHAPTER XI.

A Supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five.

Change of name how effected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation existing under and by virtue of the laws of this State, whether created by special charter or otherwise, to change its corporate name by a two-thirds vote of the board of directors or managers of such corporation, who shall be present at a regular or special meeting called for that purpose; *provided*, that the corporation cause to be made and filed a certificate in writing, in manner hereinafter mentioned; such certificate in writing shall set forth, *first*, the name of such corporation in use immediately preceding the vote, and making and filing the said certificate; *second*, the name assumed to designate such corporation and to be used in its business and dealings in the place and stead of that referred to in the last preceding paragraph, and which said certificate shall be signed by the board of directors, or a majority of said board, and filed, in pursuance of the act to which this is a supplement, in the office of the clerk of the county where the principal office or place of business of such corporation in this State shall be established; and after being so recorded shall be filed in the office of the secretary of state; and to which certificate shall be affixed the official seal of said board and the affidavit of the secretary or acting secretary of such corporation, that the said certificate is made by the authority of the board of directors or managers of such corporation, as expressed by a two-thirds vote of the members present at a regular or special meeting of said board, called for that purpose.

What certificate of change shall state.

Change not effected until certificate is made.

2. *And be it enacted*, That no change in the name of any corporation, under the provisions of this act shall be deemed effected until the said certificate, made and re-

corded as aforesaid, shall be actually filed in the office of the secretary of state, as herein directed; but no such change shall in manner lessen or impair any liability of such corporation incurred or existing at the time such change of name shall be made, which liability shall continue and be capable of being enforced against such corporation by its name as so changed, or by its original name; and no suit pending at the time of such change of name shall abate by reason thereof, but the same may be prosecuted to judgment and execution in the original name of such corporation, and under any such execution the property of said corporation, whether held by its original or amended name, may be levied on and sold to satisfy such judgment. Pending suits not affected.

3. *And be it enacted,* That this act shall take effect immediately.

Approved February 21, 1877.

CHAPTER XII.

An Act relating to the refunding, by municipal corporations in this State, of moneys paid to said corporations by owners of property for assessments for benefits for local improvements, in certain cases.

WHEREAS, large numbers of assessments for local improvements in different cities of this State have been heretofore, and may be hereafter, entirely or partially set aside by the courts of this State having jurisdiction thereof, or other competent authority, by reason of defects in the laws under which said assessments were made, or for other cause, or have been illegally made; *and whereas,* in many instances considerable sums of money have been, and may be hereafter, paid by the owners of property assessed for said improvements to the proper receiving officers of said cities, which sums Preamble.

of money said cities may be legally liable to refund to said owners so paying said assessments heretofore set aside or that may be hereafter set aside as aforesaid, or that may have been illegally made; *and whereas*, great and unnecessary embarrassment will arise to said cities, and the taxpayers thereof, if said cities are compelled to refund at once to said persons so paying or having paid, as aforesaid, the said moneys assessed for said improvements, and it is therefore desirable and proper that said cities should be authorized to delay repayment of said money until such time as re-assessments for benefits for said local improvements may be made, in conformity with existing laws, *provided* said re-assessments are made within a reasonable time, and to set-off as against such repayment the amount of any such re-assessment made for benefits for said local improvements; therefore,

Illegal assessments to be refunded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assessments for benefits for local improvements in the cities of this State have been, or may hereafter be, set aside by the courts of this State, or other competent authority, by reason of defects in the laws under which said assessments were or shall be made, or for other cause, or have been made under the provisions of any law of this State which provisions have been declared by the courts thereof to be unconstitutional and void, and owners of property assessed for said improvements have paid, or may hereafter pay, to said municipal corporations, the sums of money so assessed against them for benefits for local improvements, or part thereof, the moneys so as aforesaid paid by any owner assessed as aforesaid, who shall now be legally entitled to recover the amount paid as aforesaid, shall be refunded by said municipal corporations so receiving the same; but the refunding and collection of said sums of money paid for assessments for said local improvements, and the further prosecution of any suits now pending to recover such sums of money, shall be stayed and delayed until such time as a re-assessment for benefits for said local improvements shall have been made by commissioners or other persons lawfully appointed and authorized to make the same; *provided, however*, that interest upon the sums of money so paid as

Refunding to be stayed until new assessments made.

Proviso.

aforesaid for assessments for local improvements set aside or illegally made as aforesaid shall be collected on final settlement from said municipal corporations to the extent and no further that said parties would now be entitled to recover the same up to the time of final adjustment; *and provided further*, that where assessments for benefits for local improvements have been heretofore set aside for the causes aforesaid, or have been illegally assessed as aforesaid, said re-assessment for said improvements shall be made and completed within two years from and after the passage of this act; and, in cases where assessments for benefits for local improvements shall be hereafter set aside for the causes aforesaid, said re-assessments for said improvements shall be made and completed within two years from the date of the setting aside of said assessments; *and provided further*, that nothing in this act contained shall affect in any way the validity of any assessment or re-assessment for benefits for local improvements heretofore made; but in cases where said re-assessments are made and completed prior to the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid shall become due and payable at once upon the ratification of said re-assessments, and shall be applied in settlement of said re-assessments; and said re-assessment, with legal interest thereon from the time the said re-assessment is confirmed, shall be a lawful set-off by the said municipal corporation as against the amount legally recoverable by the person entitled to recover any money paid on any such original assessment, set aside or void as aforesaid, and the same may be pleaded in any action that is now, or may hereafter be, pending at any time after such re-assessment is made and confirmed as aforesaid; *and provided further*, that if any writ of certiorari be granted to review any such re-assessment, or part thereof, the time to plead the set-off by said municipal corporation shall be extended until after the final determination of said certiorari.

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That the provisions of this act are hereby declared to be applicable to all suits now pending in any court of this State for the collection of moneys paid by any owner of property, or other person representing said owner, for assessments for benefits for local improvements which have been heretofore set aside as

Act applicable to pending suits.

Proviso.

aforesaid; *provided, however*, that all costs incurred by the plaintiffs in such suits, at the time of the passage of this act, shall be paid by the respective defendants therein.

Money refunded may be applied to other assessments.

3. *And be it enacted*, That any person claiming from any city the repayment of any money paid by him or his assignor for such assessment may give notice in writing to said city of his desire that such money be applied by said city to cancel or reduce the indebtedness of said person to said city upon any other assessment, and thereupon said city shall apply any balance found due to the person giving such notice upon the re-assessment and adjustment in this act directed for the purposes specified in such notice; and the application of such balance upon the assessments specified in such notice shall be considered as made at the time of the receipt of such notice by said city.

4. *And be it enacted*, That this act shall take effect immediately.

Passed February 27, 1877.

CHAPTER XIII.

An Act to provide for the incorporation of associations of the bar of the State of New Jersey.

Ten or more persons may be incorporated under this act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any members of the bar of the State of New Jersey, not less than ten in number, to form an association of the bar of the State of New Jersey, or of any county in said State, for the purpose of maintaining the honor and dignity of the profession of the law, of cultivating social relations among its members, and increasing its usefulness in promoting the due administration of justice; *provided*, there shall not be more than one State association, nor more than one association in each county.

2. *And be it enacted,* That such associations shall have power:

Powers of the association.

I. To acquire by lease or purchase suitable buildings, libraries, and furniture for the uses of such associations, to borrow money for such purposes, and issue bonds therefor, and to secure the same by mortgage, and generally to acquire and take by purchase, gift, devise, bequest or otherwise, and to hold, transfer and convey, all or any such real or personal property as may be necessary or desirable for attaining the objects and carrying into effect the purposes of such association;

II. To have perpetual succession by their corporate names;

III. To sue and be sued, complain and defend in any court of law or equity;

IV. To make and use a common seal, and alter the same at pleasure;

V. To appoint such officers or agents as the purposes of such association shall require, and to allow them a reasonable compensation;

VI. To make and adopt constitutions, by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States or this State, for the admission, government, suspension, and expulsion of members, the imposition and collection of dues and fines, the number and election of officers and managers or trustees, the time and place of holding meetings and elections, for the safe keeping of the property of the association, and for the management of the affairs of such associations, and from time to time to alter, modify or change such constitutions, by-laws, rules, and regulations.

When interest of any member shall terminate.

3. *And be it enacted,* That all interest of any member of any such association in its property, shall terminate, and vest in the association upon his ceasing to be a member thereof by death, resignation, expulsion or otherwise.

Certificate of incorporation.

4. *And be it enacted,* That the associations provided for in this act shall be formed as follows, viz.: a certificate shall be made and signed by the persons forming such association, setting forth the name to be used to designate such association, and to be used in its business and dealings, the object for which such association shall be formed, and the names and residences of the persons signing such

certificate, which certificate shall be acknowledged or proved, and filed in the office of the secretary of state.

Certificate to be evidence.

5. *And be it enacted*, That the said certificate, or a copy thereof, duly certified by said secretary, shall be evidence in all courts and places.

Incorporation to be from time of filing certificate.

6. *And be it enacted*, That upon making such certificate and causing the same to be filed as aforesaid, the said persons so associating, their successors and assigns, shall be from the time of filing such certificate, incorporated into an association by the name mentioned in such certificate, and be governed by the provisions of this act.

Statement of names and residences of officers elected to be filed with secretary of state.

7. *And be it enacted*, That after such election of officers of any such association the secretary shall forthwith transmit to the secretary of state, a statement, under his hand and the seal of the association, of the names and residences of the officers elected at such election, which statement shall be filed by the secretary, and any process against any such association shall be served on one of the officers named in such statement, who shall have power to acknowledge such service.

Vacancies how filled.

8. *And be it enacted*, That when any vacancy shall occur among the officers of any such association, such vacancy shall be filled in such manner as the by-laws shall direct.

Time and place of holding first meeting.

9. *And be it enacted*, That the first meeting of the association of the bar of the State shall be held at the state house in Trenton, on the first day of the term of the supreme court to be holden next after the filing of the certificate of incorporation as aforesaid, and the first meeting of the county associations shall be held on the first day of the circuit court term to be holden next after the filing of such certificate of incorporation, and thereafter the meetings shall be held at such time and place as the by-laws shall direct, or as a majority of the members present at the next previous meeting shall direct.

10. *And be it enacted*, That this act may be amended or repealed at any time, and shall take effect immediately.

Approved February 27, 1877.

CHAPTER XIV.

Supplement to an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, and the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twentieth section of the act to which this is a supplement, which reads as follows:

Section to be repealed recited.

"20. No person or persons, under pretence of taking oysters or under any other pretence whatever, shall take, remove or carry off from any natural oyster banks or beds in this State, any old shells other than such as cannot be removed or separated from the oysters without injuring the same; and all such shells shall be culled and separated from the oysters, and thrown back again upon the said natural banks or beds; and in case any person or persons shall so take, remove or carry off from said natural banks or beds, whether oysters be taken or not, without first so separating the old shells from the oysters, he or they shall, for every offence, forfeit and pay ten dollars, to be recovered with costs, by action of debt, by any person who shall prosecute for the same, in any court of record in this State having cognizance of that sum, one-half thereof to the use of the prosecutor, and the other to the overseer of the poor, for the use of the poor of the township in which the offence was committed; and the canoe, flat, scow, boat or other vessel used and employed in the commission of the offence in this section mentioned, shall be liable to seizure, and be applied to the payment of such penalty; *provided, however*, that nothing in this act contained shall be so construed as to prohibit any person or persons from taking, removing or carrying any shells from beds planted out by him or them pursuant to law," be and the same is, as far as it applies to the natural banks and beds in Delaware bay and Maurice river cove, hereby repealed.

2. *And be it enacted*, That section eleven of a supplement to said act, approved March thirty-first, one thousand eight hundred and seventy-one, which reads as follows:

Section to be amended recited.

"11. *And be it enacted*, That every boat or vessel engaged in the business of catching, planting and growing oysters in the said Delaware bay and Maurice river cove, to which a license shall be given as in this act directed, shall wear in the middle of the mainsail, one-third of the way from the head thereof, a number painted in black, eighteen inches long, and to be designated in the license," be and the same is amended to read as follows:

Amendment—vessel licensed shall wear number on mainsail.

11. *And be it enacted*, That every boat or vessel engaged in the business of catching, planting and growing oysters in the said Delaware bay and Maurice river cove, to which a license shall be given as in this act directed, shall wear in the middle of the mainsail, one-third of the way from the head thereof, a number painted in black, eighteen inches long, and said number to be designated in the license, and upon the failure or neglect of any boat or vessel so licensed to comply with the provisions of this act, such boat or vessel so neglecting or failing shall forfeit said license; *provided, however*, that a period of twenty days shall be given, after the issuing of said license, for such boat or vessel to comply with the provisions herein mentioned.

Penalty.

Proviso.

3. *And be it enacted*, That the second section of a supplement to said act, approved February twenty-seventh, one thousand eight hundred and seventy-three, which reads as follows:

Section to be amended recited.

"2. *And be it enacted*, That it shall not be lawful for any person or persons to catch oysters in Delaware bay for the purpose of planting the same on the flats and grounds of Delaware bay and Maurice river cove from the first day of November to the fifteenth day of March in each year, and any person or persons so offending shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered with costs in an action of debt by any person who shall prosecute the same, in any court in this State having cognizance of that sum, one-half of said fine to be added to the oyster fund provided for under the act to which this is a supplement, and the

other half to go to the person who shall sue for the same," be and the same is hereby amended to read as follows:

2. *And be it enacted*, That it shall not be lawful for any person or persons to catch oysters in Delaware bay for the purpose of planting the same on the flats and grounds of Delaware bay and Maurice river cove from the last day of June to the first day of April in the succeeding year, and that during the month of July and August in each year no oysters are to be caught or taken from said bay or cove for any uses, and that at no time or season shall oysters be caught or taken from any of the natural banks or beds in Delaware bay and Maurice river cove for the purpose of planting upon grounds in another State; and any person or persons so offending against any of the provisions of this act shall for every such offence forfeit and pay a fine of one hundred dollars, and the boat or vessel so violating shall be liable to seizure by the special officer provided for in an act to which this act is a supplement, and such boat or vessel shall be liable for the payment of such fines and forfeitures, and the moneys arising therefrom shall be paid into the oyster fund provided for in an act to which this is a supplement.

Amendment.

Penalty for taking oysters during certain periods.

4. *And be it enacted*, That section third of a supplement to said act, approved February twenty-seventh, one thousand eight hundred and seventy-three, which reads as follows:

"3. *And be it enacted*, That the place for holding the annual meeting on the first Tuesday of March in each and every year, as provided for in the ninth section of the act to which this is a supplement, shall hereafter be held in the village of Port Norris, instead of the village of Dividing Creek; and it shall and may be lawful at the next annual meeting held as aforesaid, by the consent of two-thirds of those present and entitled to vote, to raise a tax of one dollar per ton per annum upon all boats of over five tons by custom house measurement, in addition to the tax now imposed by the first section of this act; said additional tax to be imposed for one year only at a time, and not to be continued except by the consent of two-thirds of those present and entitled to vote at any subsequent annual meeting," be amended to read as follows:

Section to be amended recited.

Amendment.

Annual meeting to be held.

3. *And be it enacted*, That the place for holding the annual meeting on the first Tuesday of March in each and every year, as provided for in the ninth section of the act to which this is a supplement, shall hereafter be held in the village of Port Norris, instead of the village of Dividing Creek; and it shall and may be lawful at the annual meetings to be held as aforesaid, by the consent of two-thirds of those present and entitled to vote, to increase the tax imposed by the first section of the act to which this is a supplement, to the sum of two dollars per ton per annum on all boats over five tons by custom house measurement, or to decrease the same to fifty cents per ton, and to decrease the tax on all boats under five tons custom house measurement to two dollars and fifty cents per annum, the vote to be by ballot; *provided, however*, that at the said annual meeting power shall be had to fix any sum between the figures specified in the above rates of tonnage as in the judgment of the meeting is deemed best.

Repealer.

5. *And be it enacted*, That all acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 27, 1877.

CHAPTER XV.

An Act to empower bridge companies to mortgage their corporate rights and franchises to secure bonds or other indebtedness, to validate mortgages of corporate rights and franchises already executed, and declaring such mortgages to be a lien upon the corporate rights and franchises not included therein.

Empowered to execute mortgages, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every bridge company in-

corporated by the laws of this State, and doing business, operating works, or owning property in this State, or partly in this State and partly in another State, and whose charter, or the supplements thereto, do not confer an express power to mortgage or convey in trust their corporate rights and franchises to secure their bonds, either issued or to be issued, be and is hereby authorized and empowered to execute a mortgage or mortgages of and upon their corporate rights and franchises, to secure the payment of any and all bond or bonds or other indebtedness, issued or incurred, or to be issued and incurred by such corporation.

Mortgages heretofore given validated.

2. *And be it enacted*, That all mortgages of or upon the corporate rights and franchises of such corporations heretofore given or executed without special authority be and the same are hereby validated and confirmed; *provided*, that said mortgages shall have been, or shall be, within one year after the passage of this act, recorded in the proper office or offices for recording the same. Proviso.

Mortgages given to be a lien upon rights and franchises.

3. *And be it enacted*, That every mortgage heretofore given or executed by any such corporation upon their corporate property, real or personal, to secure the payment of their bonds or other indebtedness, and recorded in the proper office for recording such mortgages, and in which mortgage the corporate rights and franchises of such company are not mentioned or included, shall be deemed and taken to be a mortgage, lien and incumbrance of and upon the corporate rights and franchises of the corporation which executed the same, from and after the passage of this act, with the same effect to all intents and purposes as if the said corporate rights and franchises were mentioned or included in said mortgage; *provided, however*, that such mortgage shall not be deemed or taken to be a lien or incumbrance, as provided in this section, unless the company shall execute and seal with their corporate seal, and file in the office of the secretary of state a certificate describing such mortgage in general terms, and setting forth that the said company, with the consent and authority of the stockholders holding a majority in amount of the stock of said company, desire and declare that such mortgage shall be deemed and taken to be a mortgage, lien and incumbrance of and Proviso.

upon the corporate rights and franchises of the said company.

4. *And be it enacted,* That this act shall take effect immediately.

Approved February 27, 1877.

CHAPTER XVII.

An act for the publication of the law and chancery reports.

Law and chancery reports to be printed in numbers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be the duty of the law and chancery reporters of this State to cause the reports of the judicial opinions of their respective courts to be printed in numbers, one for each term of their respective courts, without waiting until sufficient opinions shall have accumulated to make a volume of six hundred pages; that the chancery reporter shall cause the printer to commence to print each number of his reports within thirty days after the delivery of the opinions at each regular term of the court of chancery, and shall continue the same with all convenient speed until all opinions of said term are printed, and shall add at the end of such number all opinions on appeals from chancery delivered at the next ensuing term of the court of errors and appeals; and the law reporter shall cause the printer to commence to print each number of his report within thirty days after the delivery of the opinions at each regular term of the supreme court, and shall continue the same with all convenient speed until all the opinions of such term are printed, and shall add at the end of such number all opinions on writs of error delivered at the next ensuing term of the court of errors and appeals.

Time within which reports shall be printed.

2. *And be it enacted*, That said reports shall be printed by said law and chancery reporters, respectively, at their own expense, upon good paper to be approved by the secretary of state; and whenever a number of said reports shall be printed, the said reporters shall, each, deliver to the state treasurer three hundred copies thereof, for which the treasurer shall pay each reporter per number, such sum as shall be fixed by the chancellor and chief justice of the supreme court. To be printed at the expense of the reporters.

3. *And be it enacted*, That not less than three numbers of said reports shall be necessary to make a volume of reports; *provided*, that each volume shall contain six hundred pages. Size of volume. Proviso.

4. *And be it enacted*, That it shall be the duty of the treasurer to cause the said numbers, when sufficient to make a volume, which shall be delivered to him by said reporters respectively, to be bound at the expense of the State, in good and substantial law binding in the manner prescribed by this act. To be bound at expense of the State.

5. *And be it enacted*, That it shall be the duty of the chancellor, the judges of the supreme court and of the court of errors and appeals, to file all opinions delivered by them in the office of the clerks of their respective courts, within twenty days after the delivery of such opinions, and the said clerks shall within twenty days after such opinions are filed make and deliver to the reporters of said courts, fair and legible copies thereof, for which they shall be paid by the state treasurer the sum of eight cents per folio, upon their respective accounts being audited by the comptroller. Time within which opinions shall be filed. Copies to be made for the reporters.

6. *And be it enacted*, That the reports of cases required by law to be published by the law reporter shall be designated by the name of "New Jersey Law Reports," the first volume of which shall be called and numbered as volume one, and subsequent volumes thence consecutively in order; and the reports of cases required by law to be published by the chancery reporter, shall be designated by the name of "New Jersey Equity Reports," the first volume of which shall be called and numbered as volume one, and subsequent volumes shall be numbered thence consecutively in order. Reports how designated.

7. *And be it enacted*, That in binding said reports, the backs shall be divided into five spaces, in such manner Manner of binding and lettering.

as to make the volumes uniform in size and appearance, as near as may be; that the second space from the top shall be covered with morocco colored red, and thereon shall be printed in gilt letters the names aforesaid, respectively; that on the next lower space shall be stamped or imprinted in black, the number of the volume in figures; and that the next shall be covered with morocco colored black, and thereon shall be printed in gilt letters, the name of the respective reporter, and also the figures indicating the number of each volume of his reports.

Each volume to contain a list of previous reports.

8. *And be it enacted*, That on a fly leaf of each volume of law and equity reports hereafter to be published, shall be printed a list of all the previous reports published in this State, designating which are equity and which are law reports.

Annual salary.

9. *And be it enacted*, That the law and chancery reporters shall each be entitled to receive an annual salary at the rate of five hundred dollars, to be paid in the manner now provided by law.

Distribution of copies by the state treasurer.

10. *And be it enacted*, That the state treasurer shall, on the receipt of said reports, after retaining one copy for himself, cause the residue to be distributed under the direction of the governor, as follows: to the governor of this State, two copies; to each member of the legislature, one copy; to the state librarian, to be deposited in the state library, twenty copies; to the department of state of the United States, for the congressional library, four copies; to the governor of each state and territory in the United States, one copy; to each senator and representative in congress from this State, one copy; to the chancellor of this State and each judge of the supreme court and court of errors and appeals, one copy; to the secretary of state, clerk of the supreme court, clerk in chancery, and attorney-general, for their respective offices, each one copy; to each county clerk and surrogate in this State, for their respective offices, one copy; to the New Jersey lunatic asylum and state prison, each one copy; to the librarian of the New Jersey historical society, for the use of said society, one copy; to the librarian of each incorporated college, the Burlington library, and the Newark library association, for the use of their respective libraries, each one copy; to each incorporated library association in this State which has a

law library at the county seat of the county in which the same is located, one copy; the remainder to be reserved, subject to the order of the legislature.

Repealer.

11. *And be it enacted*, That all acts relative to the publication of the chancery and law reports and to the compensation and duties of the law and chancery reporters, and all other acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved February 28, 1877.

CHAPTER XVIII.

A Supplement to the act entitled "An act respecting the court of chancery," (revision), approved March twenty-seventh, one thousand eight hundred and seventy-five.

Rooms to be provided for vice chancellor at Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery shall provide and furnish, at the expense of the State, a suitable room or rooms in the city of Newark, for the use of the vice chancellor in the hearing of causes, and that the rent and expense thereof shall be ascertained and certified by the chancellor and paid by the treasurer of the State, and shall not exceed one thousand dollars per annum.

Appointment of sergeant-at-arms and per diem.

2. *And be it enacted*, That the vice chancellor shall have power to appoint a suitable person to hold office during his pleasure, as sergeant-at-arms, whose duty it shall be to attend the courts or hearings held by the vice chancellor when required, for which service he shall receive three dollars per day for each day he shall be in actual attendance upon said court, to be paid by the treasurer of the State upon the certificate of the vice chancellor.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1877.

CHAPTER XX.

An Act in relation to cities incorporated within the limits of townships but not set off therefrom.

Cities set off from surrounding townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That all cities in this State incorporated within the limits of townships but not set off therefrom by territorial boundaries, and which by their charters are exempt from assessment of taxes for township purposes, be and they are hereby declared separate and distinct from the township in which they are situated.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 1, 1877.

CHAPTER XXI.

A Further Supplement to an act entitled "An act respecting coroners," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Sum allowed coroner in certain cases for viewing body.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That where one of the coroners of any county of this State shall, when called upon so to do, in fact, before the county physician of the county in which he is coroner, view a body of a person who shall die in prison or who shall come to a sudden, violent or casual death, and make inquiry respecting the cause and manner of the death and report his action to the county physician, the said coroner shall be allowed the sum of

five dollars for such service, to be taxed and paid as other fees allowed him are now by law taxed and paid.

Fees for holding inquisition.

2. *And be it enacted*, That where a coroner of this State shall hold an inquisition upon a body according to law he shall be allowed among the other fees now allowed him by law the fee or sum of five dollars for viewing the body.

Fees for taking depositions.

3. *And be it enacted*, That when a deposition of a witness is, or depositions of witnesses are, taken in writing at any inquest held by any coroner of this State, the coroner holding such inquest shall be entitled to be paid fourteen cents for each folio of one hundred words written in such deposition or depositions, which shall be taxed and paid to him with the other fees now allowed him by law.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1877.

CHAPTER XXII.

An act relating to incorporated schuetzen associations, of this State.

Capital stock may be divided into shares of fifty dollars each.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all schuetzen associations in this State, incorporated under any general or special law of this State, and notwithstanding the provisions of any special act of incorporation, shall have power to divide their capital stock into shares of fifty dollars ($50) each, and to call in any outstanding shares and issue such new shares of fifty dollars ($50) each in lieu thereof.

Who may vote at election for officers or directors.

2. *And be it enacted*, That any stockholder belonging to said association, whether he belong to any schuetzen corps mentioned in the act of incorporation or articles of association of any such corporation, shall be entitled to vote in said association at any election for officers or directors, as soon as he shall have been elected to mem-

bership in said association by a vote of three-fourths of all the directors thereof.

Members not entitled to more than ten votes.

3. *And be it enacted*, That any member of such schuetzen association shall be entitled to one vote for each share of stock held by him; *provided, however*, that no member shall be entitled to more than ten votes, no matter how many shares of stock he may hold.

Number to constitute a quorum.

4. *And be it enacted*, That in any such schuetzen association thirty members shall constitute a quorum to transact business, and any director shall be declared elected who shall receive a majority of the votes given at any election for directors.

One half of the directors to be residents of the State.

5. *And be it enacted*, That at least one-half of the board of directors of any such schuetzen association shall be residents of the State of New Jersey, but the remaining directors need not be residents of such State, and need not belong to any particular schuetzen corps, notwithstanding any provisions in any special act or articles of association of such schuetzen association.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1877.

CHAPTER XXIII.

An Act relative to Public Printing.

Printing, how executed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall hereafter be printed in the same general style in which the volume of laws was printed in the year one thousand eight hundred and seventy-one, excepting that the laws shall be collated and indexed under the three heads of general public acts, special public acts, and private acts; *also*, that the legislative documents shall be hereafter printed in the same style in which the work was done in the year one thou-

sand eight hundred and seventy-one; *also*, that the journals of the senate and minutes of the joint meetings, and executive sessions, and the minutes of the house of assembly shall be printed hereafter in a compact and workmanlike style; *also*, that the public bills ordered by either branch of the legislature shall be printed on good writing paper, with pica type, each page to contain thirty-one lines; and the prices to be paid for said printing shall be as follows: for printing three thousand copies of the session laws, the sum of thirty dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate, with the minutes of the joint meetings, and one thousand copies of the minutes of the house of assembly, the sum of twenty-two and one-half dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for presswork; for printing two hundred copies of the public bills, ordered by either branch of the legislature, at the rate of five dollars and twenty-five cents per sheet of four foolscap pages; and for printing the pamphlets and other papers ordered by the legislature, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for the presswork; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rates above stated, and where matter requires two justifications, without rules, one price and a half shall be paid; *and provided, further*, that one dollar extra per page shall be paid for printing all indices and tables of contents, set in bourgeois type, in the session laws, journals of senate, and minutes of the house of assembly.

Senate journals, minutes of assembly, &c.

Public bills.

Compensation to be paid.

Proviso.

Proviso.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching, which shall be charged at the current prices for such work; and the paper, which shall be of good quality and of the following description: for the documents, journals and minutes, white calendered printing paper, twenty-four by thirty-eight inches in size,

Work to be completed.

How done.

Paper.

weighing not less than forty-four pounds to the ream of four hundred and eighty sheets; for the laws, the same size as for the journals, and to weigh not less than fifty pounds to the ream of four hundred and eighty sheets; for the bills, to be on good flatcap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia during the first week in January; and satisfactory evidence of the price of such papers within the said period shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing shall be executed.

Price of.

Joint committee on printing shall order what documents or reports shall be printed in the volume of documents.

3. *And be it enacted*, That all messages, pamphlets, reports, or other documents which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in one volume, under the title of "Legislative Documents," and no document or report shall be embraced in said volume unless so ordered by the joint committee on printing; and when said joint committee shall order any document to be printed in the said volume of documents, there shall be one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual message shall be classed as document number one in said volume; when any document shall be ordered to be printed more than once, at periods more than four days apart, the printer thereof shall be entitled to charge for composition as above provided for each time the document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

Number of copies to be printed.

Officers to furnish copy.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses, to the persons employed to print the same, within thirty days after the close of the session of the legislature; and in the event of the said clerk and secretary failing to deliver such copies as provided for in this sec-

tion, they shall forfeit to the treasurer, for the use of the State, one hundred dollars of their salary.

Indices and compensation therefor.

5. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, the minutes of the house of assembly, and the legislative documents, shall hereafter be made out by the person or persons, respectively, who may be employed to execute said printing; and the sum of one hundred dollars each shall be allowed the said printers for compiling the said indices; *provided*, that said indices shall be printed in solid bourgeois type, and be made out alphabetically, under one heading, in the style of the indices respectively of the pamphlet laws and the senate journal for the year one thousand eight hundred and seventy-one.

Proviso.

Printer of certain reports.

6. *And be it enacted*, That John Carpenter, Jr., of Clinton, Hunterdon county, be employed to print the reports of treasurer and comptroller of the State, the report of the state board of education, and the reports relating to the state normal school and the state prison during the current year.

Current printer.

7. *And be it enacted*, That Naar, Day & Naar, of Trenton, be employed to print the senate and assembly bills, pamphlets, reports of State officers for presentation to the legislature, and such other matter as may be ordered by the senate and house of assembly, and not hereinbefore provided.

Minutes of the house.

8. *And be it enacted*, That Michael Mullone, of Jersey City, be employed to print one thousand copies of the minutes of the house of assembly for the current year, in compact form, as per minutes of the year one thousand eight hundred and sixty-five.

Senate journal.

9. *And be it enacted*, That S. W. Miller, Jr., of Salem, be employed to print one thousand copies of the journal of the senate and minutes of the joint meetings and executive sessions for the current year, in compact form, as per minutes of one thousand eight hundred and sixty-five.

Documents.

10. *And be it enacted*, That Frank F. Patterson, of Newark, be employed to print one thousand copies of the legislative documents of the current year.

Reports in German.

11. *And be it enacted*, That Jacob Schmidt, of Newark, be employed to print such reports as may be ordered printed in German, during the current year.

Laws.

12. *And be it enacted*, That William B. Wills, of Mount

Holly, be employed to print three thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said William B. Wills shall have received the copy thereof, and on failure thereof the said William B. Wills shall forfeit the sum of five hundred dollars, which sum the said treasurer is authorized to withhold and deduct from the amount due them for printing said copies.

When to be delivered.

Penalty.

13. *And be it enacted*, That it shall be the duty of the secretary of state to deliver or cause to be delivered to the person or persons who shall be employed to print the copies of the laws, a copy of every law passed at this session of the legislature, within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or persons employed to print the copies of the laws, any sum which he or they may have forfeited by reason of such default.

Secretary of state to furnish copy.

14. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act be and are hereby repealed.

Repealer.

15. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1877.

CHAPTER XXIV.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common councils or boards of aldermen of the several cities of this State, shall have power by ordinance, to license, regulate, control or prohibit the keeping of shops, commonly called "junk shops," or shops for the purchase and sale of junk, old rope, old iron, brass, copper, tin, lead, rags and slush,

Licensing of junk shops.

under such regulations and upon such terms as the said councils or boards of aldermen may adopt.

2. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 2, 1877.

CHAPTER XXV.

A Supplement to the act entitled "An act to provide a digest of the law and chancery reports of the State of New Jersey," passed April sixth, eighteen hundred and seventy-six.

Digest may be published in two volumes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the digest provided for by the act to which this is a supplement, shall, owing to the large accumulation of decisions, and the addition to said digest of a table of New Jersey cases overruled, &c., and the rules of the court of chancery and supreme court, and an index to said digest, be published in two volumes of not less than fourteen hundred pages, with the approval of the supreme court; the price to be paid per volume for such digest, by the treasurer, under said act, shall be seven dollars and fifty cents, and no more.

Price per volume.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1877.

CHAPTER XXVI.

A Supplement to the act establishing the State Industrial School for Girls.

Trustees may release pupil under such conditions as they deem necessary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the trustees of the State Industrial School for Girls shall become satisfied that any girl committed to the said school is unfitted by physical or mental imbecility for the instruction, discipline and care of the institution, or that the permanent interests of a pupil will be promoted by her release before the expiration of a year from her commitment, it shall be lawful for a majority of the board of trustees to release her under such conditions as they may deem necessary to promote her welfare.

2. *And be it enacted*, That this act shall go into effect immediately.

Approved March 2, 1877.

CHAPTER XXVII.

An Act to amend an act entitled "An act to increase the number of trustees in Theological Seminaries in New Jersey."

Number of trustees may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, by the charter of any theological seminary in this State, the number of trustees thereof is limited, it shall be lawful for the said corporation or the trustees thereof to increase the num-

ber of such trustees by appointing at least six and not more than twelve additional trustees, dividing them into classes in the same manner as provided in such charter.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1877.

CHAPTER XXVIII.

Supplement to an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

Annual and special town meetings to be held in voting districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any township in this State has been or may be hereafter divided into voting districts in accordance with the seventeenth and eighteenth sections of "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, it shall be lawful to hold the annual town meetings, and any special town meetings legally called in each election district so set off, for all township officers and measures eligible or proper to be voted for at the township elections.

Mode of canvassing the votes of the townships.

2. *And be it enacted*, That the judges of election of each district and the clerk of the township shall meet within two days after the holding of such elections, at the polling place in the district in which the said clerk resides, and the said judges, when so met, shall cast up and add together the votes polled in the several districts, and the result thus determined shall be written out and signed by the judges, and a copy of the same, duly attested by the clerk of the townships, shall then be delivered to the said clerk, who shall record and dispose of the same as required by law.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1877.

CHAPTER XXXI.

An Act concerning railroad corporations.

Mode for acquiring title to lands adjoining railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad corporation, owning or operating a railroad within this State, to take and acquire title, in the manner prescribed by the act under which such railroad may have been originally constructed, or by any supplement to said act, to all such lands adjoining their road as constructed on their right of way as located, as, in the judgment of the directors of such company, the exigencies of business may demand for the erection of freight and passenger depots, and all other legitimate purposes of said company; and said corporations are hereby for this purpose again invested with all the powers, privileges, and franchises given in their acts of incorporation, and in the various supplements thereto, for taking and acquiring title to lands required for their use; *provided*, that no more than one hundred feet in width for the main track of any road shall be taken for the right of way, except where from the depth of cut or the height of embankment more is necessary to be taken.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1877.

CHAPTER XXXII.

A Supplement to the act to establish and organize the State Reform School for Juvenile Offenders, approved April sixth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the trustees of the State Reform School for Boys shall become satisfied that any boy committed to the school is unfitted by physical or mental imbecility for the instruction, discipline and care of the institution, or that the permanent interests of a pupil will be promoted by his release before the expiration of a year from his commitment, it shall be lawful for a majority of the board of trustees to release him under such conditions as they may deem necessary to promote his welfare.

Trustees may release when permanent interests of pupil will be promoted thereby.

2. *And be it enacted*, That this act shall go into effect immediately.

Approved March 6, 1877.

CHAPTER XXXIII.

An Act to amend an act entitled "A Further Supplement to the act entitled 'An act to regulate fees,' approved April fifteenth, one thousand eight hundred and forty-six, and the various supplements thereto," approved March fourteenth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act

hereby amended, which section is in the words following, to wit:

Section of act repealed recited.

"That from and after the passage of this act, the following fees shall be allowed to the sheriffs of the several counties of this State, to wit: twenty-five per centum additional in each case for all services to be by them performed; *provided*, that this section shall only continue in force during such time as the said act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' shall remain in effect,"' be and the same is hereby repealed, made void and of no effect; *provided, however*, that this act shall not affect or in any way interfere with the fees of any sheriff of any county who may be in office at the time of the taking effect of this act.

Repealer.

Proviso.

Appproved March 6, 1877.

CHAPTER XXXIV.

Supplement to an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," approved April second, in the year one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirty-four of "An act to authorize the formation of railroad corporations and to regulate the same," approved April second, in the year one thousand eight hundred and seventy-three, which section is as follows:

Section of act to be amended recited.

"34. That the said company shall commence the proposed road within six months from the date of their organization, and if the said proposed road be not more than fifty miles in length the said company shall open and complete at least one track of said road within two years from the date of commencement as aforesaid, and

if the said road shall exceed fifty miles in length the said company shall have an additional six months to complete their road for each twenty miles more than fifty miles aforesaid, provided the road shall be open for public use in all cases where fifty miles of the track are laid; *provided further*, that any company organized under this act and failing to comply with the provisions of this section shall thereby forfeit the franchises given it by this act," be and the same is hereby amended by adding thereto the following:

Amendment.

Provided further, that if any company now or hereafter organized under said entitled act has been or shall be restrained, prevented or enjoined by the order of any court or judge thereof or by any proceedings whatever at law or in equity from prosecuting the work on its road or from opening or completing its said road the time during which any such company has been or shall be so restrained, prevented or enjoined shall not be taken or computed as any part of the time allowed and limited in said section for the opening and completion of said road or of any part or section of such road.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1877.

CHAPTER XXXV.

An Act to authorize the boards of education who hold their charters independent of any city in this State to pay certain liabilities.

May borrow money and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the respective boards of education who hold their charters independent of any city in this State, shall be and they are hereby authorized to borrow such sum or sums of money as shall be necessary to pay off and discharge their liabilities, incurred before

the passage of a supplement to an act entitled "An act for the punishment of crimes," approved February seventh, one thousand eight hundred and seventy-six; and that said boards of education shall have full power to issue bonds for said loan, and regulate the manner and time of payment of the same and interest thereon;

Proviso. *provided*, the same shall not extend to a period of more than fifteen years.

2. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 6, 1877.

CHAPTER XXXVI.

A Further Supplement to an act entitled "An act to provide for the revision and consolidation of the public statutes of this State," approved April fourth, one thousand eight hundred and seventy-one.

Distribution of revised statutes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the revised statutes, or any part thereof, shall be published they shall be delivered to the treasurer of this State, who shall cause such number of them to be distributed and in the same manner as the law and equity reports are now required to be distributed when issued.

Treasurer and comptroller to arrange for sale of revised statutes.

2. *And be it enacted*, That in order to reimburse the State so far as practicable for the cost and expense of such publication, it shall be lawful for the comptroller and treasurer of this State to make such arrangements for the sale, and cause to be sold, by appointing an agent or otherwise, such portions of the remainder of said revised statutes as to them shall seem expedient and for the best

Proviso. interests of the State; *provided*, that no copy or copies of said revised statutes shall be sold for less than five dollars.

3. *And be it enacted*, That the moneys received on account of such sales shall be paid into the treasury of this State, to be disposed of according to law. Money, how disposed of.

4. *And be it enacted*, That this act shall take effect immediately, and that all acts inconsistent with this act be and are hereby repealed. Repealer.

Approved March 6, 1877.

CHAPTER XXXVII.

An Act to amend an act entitled "A supplement to an act entitled 'An act to provide for the construction of sidewalks along highways for the accommodation of foot travelers,'" approved March third, one thousand eight hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A supplement to an act entitled 'An act to provide for the construction of sidewalks along highways for the accommodation of foot travelers,'" approved March third, one thousand eight hundred and fifty-four, which reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement shall not apply to or be enforced on any public road or highway in this State which hath been or which shall hereafter be laid out of a less width than three rods except in such place or places where they pass through cities, towns or villages of the State," be amended so as to read as follows: Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement shall not authorize the construction of sidewalks of a greater width than five feet on each side of any public road or highway in this State Amendment.

which hath been or which shall hereafter be laid out of a less width than three rods except in such place or places where they pass through the cities, towns or villages of this State.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1877.

CHAPTER XXXVIII.

An act concerning commissioners to regulate municipal affairs.

Laws providing for appointment of commissions, &c., to regulate municipal affairs, repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such parts of all public, special and local laws as provide for the appointment of commissions or commissioners by the senate and general assembly of the legislature in joint meeting, to regulate municipal affairs in any city in this State, be and the same are hereby repealed; and the terms of office of all such commissions and commissioners shall cease and determine on the second Monday after the election of the members of the boards substituted in lieu of said commissions and commissioners by the second section of this act.

Mode of choosing a board in lieu of existing boards of commissions, &c.

2. *And be it enacted*, That in all cases where the above repealing section shall operate in any city in this State, there shall be substituted in lieu of each of the existing boards of said commissions or commissioners, to exercise all the powers heretofore conferred upon such commissions or commissioners, a board to consist of six persons, namely: one shall be chosen by the electors in each aldermanic district in said city, who shall be a qualified voter of said city; and the result of such election shall be canvassed in the manner now provided by law for the election of such other officers of such city as are now elected by ballot at the charter election in such city; that

the several boards, substituted in lieu of the said commissions and commissioners, shall be elected by the people at the charter election holden next after the passage of this act in any city, and shall hold their office as follows: three of each board for one year, and three for two years, and at each charter election thereafter there shall be elected for two years three members of each of said boards in place of those whose term has expired; and each member of said boards shall receive an annual salary of five hundred dollars per annum; and at the first meeting of said boards in the year one thousand eight hundred and seventy-seven they shall determine by lot which of said members of said boards shall hold office for one year, which for two years, and such determination shall be filed in the office of the city clerk of said city; each of said boards shall have power to elect a president and clerk, and all vacancies happening in said boards shall be filled by the mayor of the city by and with the advice and consent of the body elected by the people, exercising powers of municipal legislation in said city; *provided, always,* the said vacancies shall not be filled for any term longer than the unexpired term of such office.

Term of office.

Annual salary.

Term of first board to be determined by lot.

Proviso.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 6, 1877.

CHAPTER XXXIX.

A Further Act in relation to assessments in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever the costs, damages and expenses of any improvement other than for the laying of sidewalks in any city in this State have been assessed wholly upon the line of such improvement, or wholly upon the owners of the lands along such line, the common council, or other legislative body, of such

When assessments may be vacated and set aside by resolution, &c.

city, or any commissioners of streets and sewers in said city or the board of finance and taxation in any city where such board exists, may vacate and set aside by resolution all the proceedings in relation to such void assessment; and in order to provide for the payment of the costs, damages and expenses of such improvement, an assessment of such costs, damages and expenses may be levied by the officers of such city, or any commissioners in said city, qualified by law to make such assessments in the first instance at any time within two years from and after the passage of this act; and in making such assessment the person or persons authorized to make the same shall assess upon all the tracts or lots of land and real estate benefited by such improvement such proportion of such costs, damages and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire; and the balance of such costs, damages and expenses, if any, remaining unassessed, shall be a debt upon and paid by such city out of moneys provided for that purpose by the legal authorities of such city, according to the provisions of any law of this State.

To provide for payment of costs, damages and expenses of improvements.

2. *And be it enacted,* That any assessment for any improvement, other than for the laying of sidewalks, or such as are mentioned in the first section of this act, whether the same has been confirmed by such city council or other legislative body or any other board in said city or not, or commissioners in said city, may be vacated and set aside by such legislative body, or commissioners of streets and sewers, or said board of finance and taxation in cities where such board exists, by resolution, and a re-assessment made as if such assessment so vacated had never been made; *provided,* that no such assessment shall be so set aside after the whole assessment for the improvement shall have been paid.

Re-assessment may be vacated and set aside.

Proviso.

3. *And be it enacted,* That where any assessment for any improvement, except the laying of sidewalks, which has been heretofore made, or shall hereafter be made, in any such city, shall be in the judgment of the commissioners of the sinking fund of such city, if there be any, or, if there be none, then of the city council or other

Providing for rebate of assessments.

legislative body thereof, or of any commissioners of streets and sewers in said city, or of the board of finance and taxation in cities where such board exists, greater than the benefits conferred upon the lands assessed by the improvement for which the assessment is made, such sinking fund commissioners or legislative body, or commissioners of streets and sewers, or such board of finance and taxation, as the case may be, may agree with any or all of the owners of lands so assessed for a rebate of such assessments, either from the specific assessments upon such lots respectively, or by a rebate of a certain percentage from the whole of such assessment, which rebate shall be authorized by a resolution of such sinking fund commissioners, or legislative body, or commissioners of streets and sewers, or by said board of finance and taxation in cities where such board exists, as the case may be, to be approved by the mayor or other chief executive officer of such city in cases in which the rebate shall be authorized by such legislative body, or commissioners of streets and sewers in said city, or such board of finance and taxation; and in cases in which it shall be authorized by such sinking fund commissioners or said board of finance and taxation to be approved both by such chief executive officer and by the legislative body of such city, or commissioners of streets and sewers in said city, or by said board of finance and taxation, by the votes of a majority of such body or board; and the said sinking fund commissioners, or said board of finance and taxation, if there be any, or, if there be none, such legislative body or such commissioners of streets and sewers may agree on the part of such city with the owner or owners of any land so assessed for the payment or composition of any such assessments, which agreements shall in all cases be approved in like manner as such resolutions authorizing a rebate of any assessment, and all such agreements shall be good and effectual in law between the parties thereto.

4. *And be it enacted*, That in all cases in which any lands have been sold by any city to raise and pay any assessments or taxes levied upon the same, and such city has bought such lands at such sales, and the time for the redemption of the same from the effect of such sales under the provisions of the charter of such city has ex-

pired, the common council or other legislative body of such city, or said board of finance and taxation in cities where such board exists, may authorize the sale at public auction of all the estate of such city in such lands; and upon such sale being made, a deed of conveyance of such estate shall be executed to the purchaser under the signature of the mayor or other chief executive officer and the seal of such city, to be attested by the clerk of such city as a subscribing witness; *provided*, that no such sale shall be had until the same shall have been advertised four weeks in one newspaper published and circulating in such city once in each week.

City may sell lands at public auction, when time for redemption has expired.

Proviso.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1877.

CHAPTER XL.

A Supplement to the act entitled "An act concerning townships and township officers," approved April twenty-first, eighteen hundred and seventy-six.

Township committee may contract with aqueduct board for supply of water, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township of this State, adjacent to any city thereof, to contract with the aqueduct board or board of water commissioners of such city, for the laying of water pipes and the erection of hydrants and other necessary apparatus (where not already laid or erected), for the supply of water through any street or streets within such township, and to allow to such board, as compensation therefor, a rate of interest not exceeding ten per centum per annum on the cost of the same, and to cause the amount of such annual compensation to be assessed upon the taxable real estate lying upon the line of such street or streets, and within three hundred feet

therefrom; which amount shall be assessed by the assessor of such township and collected by the collector thereof, under the direction of said township committee, as other taxes are assessed and collected in said township.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 7, 1877.

CHAPTER XLI.

A Further Supplement to the act entitled "An act to provide additional accommodation for the insane in this State," approved March thirty-first, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred and fifty thousand dollars be and the same is hereby appropriated to the purposes of the state asylum for the insane at Morristown, New Jersey, to be paid by the treasurer of this State to the commissioners appointed to select a site and build an asylum for the insane of this State, upon warrant of the comptroller, which warrants shall be drawn upon requisition of the said commissioners in such sums as the necessities of the institution may from time to time require; the whole sum not to exceed the sum first named in this act; *provided, further*, that the sum appropriated by this act shall not be paid out until an estimate of the deficiency in completing the asylum be furnished the governor, and until such time as he is satisfied that the amount is sufficient to entirely complete the building and furniture. Amount of appropriation. Proviso.

2. *And be it enacted*, That this act shall take effect immed[illegible]

Approved March 7, 1877.

New Jersey State Library

CHAPTER XLIV.

A Supplement to an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement, which section reads as follows:

Recital of section to be amended.

"That at all town meetings held after said first day of January, one thousand eight hundred and seventy-seven, the several town and township committees to be voted for and elected in the said towns and townships, shall consist of five persons; and the said committees, when duly elected, appointed and qualified, shall have power and authority to appoint one of their number to be the chairman of said committee, and one to be treasurer thereof; the chairman of the said committee shall preside at all the meetings thereof, and the clerk of the township shall act as clerk of said committee, and keep a record of the proceedings, and shall record the same in the town book; the treasurer of the said committee shall be the custodian of the moneys of such town or township, and all moneys which the said committee are by law authorized to receive and disburse shall be paid to him, and shall be held by him subject to the order of said committee, and paid out by him on their order, and he shall when required, and at the end of his term of office, account to the said committee for the moneys received by him as such treasurer, and pay over the balance in his hands unexpended to such person as may be appointed to succeed him on demand; and such treasurer shall give bond to the inhabitants of such town or township, in such sum and with such sureties as the said committee shall approve, conditioned for the faithful discharge of all the duties of his office, and for the payment by him on demand, to his successor in office, or to such person as the

said committee shall designate and appoint, of all moneys remaining in his hands not paid out on the order of said committee, and upon the further condition that such treasurer render at all times when called upon by the said committee, and at the end of his term of office, a just and true account of all moneys received and paid out by him as aforesaid, which bond shall be filed in the office of the clerk of the county in which such town or township is, the same having been first approved by the said town committee, and such approval endorsed on said bond; *provided, however*, that the provisions of this bill shall not apply to townships of six thousand inhabitants or over," shall be amended so that the same shall read as follows:

Amendment.

That all such town meetings held after said first day of January, one thousand eight hundred and seventy-seven, the several town and township committees to be voted for and elected in the said towns and townships shall consist of three persons in towns and townships containing less than two hundred legal voters, and in towns and townships having three hundred or more legal voters shall consist of five persons; and the said committees, when duly elected, appointed and qualified, shall have power and authority to appoint one of their number to be the chairman of said committee, and one to be treasurer thereof; the chairman of the said committee shall preside at all the meetings thereof, and the clerk of the township shall act as clerk of said committee and keep a record of the proceedings, and shall record the same in the town book; the treasurer of the said committee shall be the custodian of the moneys of such town or township, and all moneys which the said committee are by law authorized to receive and disburse shall be paid to him, and shall be held by him subject to the order of said committee and paid out by him on their order; and he shall when required, and at the end of his term of office, account to the said committee for the moneys received by him as such treasurer, and pay over the balance in his hands unexpended, to such person as may be appointed to succeed him, on demand; and such treasurer shall give bond to the inhabitants of such town or township in such sum and with such sureties as the said committee shall approve, conditioned for the faith-

Election of township committees.

Their powers and duties.

Treasurer to give bonds.

ful discharge of all the duties of his office, and for the payment by him on demand, to his successor in office, or to such person as the said committee shall designate and appoint, of such moneys remaining in his hands not paid out on the order of said committee, and upon the further condition that such treasurer render at all times when called upon by the said committee, and at the end of his term of office, a just and true account of all moneys received and paid out by him as aforesaid, which bond shall be filed in the office of the clerk of the county in which such town or township is, the same having been first approved by the said town committee and such approval endorsed on said bond; *provided, however,* that the provisions of this act shall not apply to any township which is divided into wards or districts, and in which some or all of the members of the township committee are elected from, in and by such wards or districts.

Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER XLV.

A Further Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That section one of the act entitled "A supplement to an act entitled 'An act for the punishment of crimes, approved March twenty-seventh, one thousand eight hundred and seventy-four,'" which said supplement was approved April ninth, one thousand eight hundred and seventy-five, which provides:

Recital of section to be amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That if any member of any board of chosen freeholders, or of any township committee, or

of any board of aldermen or common councilmen, or any board of commissioners of any county, township, city, town, or borough in this State, shall be directly or indirectly concerned in any agreement or contract for the construction of any bridge or building of any kind whatsoever, or any improvement whatever to be constructed or made for the public use or at the public expense, or shall be a party to any contract or agreement either as principal or surety between the county, township, city, town, or borough, as the case may be, and any other party; or shall be directly or indirectly interested in furnishing any goods, chattels, supplies, or property of any kind whatsoever, to or for the county, township, city, town, or borough, as the case may be, shall be deemed guilty of a misdemeanor, and on being thereof convicted shall be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding three years, or both, at the discretion of the court," shall be amended so as to read as follows:

Amendment.

Penalty for being concerned in agreement or contract.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any member of any board of chosen freeholders, or of any township committee, or of any board of aldermen or common councilmen, or any board of commissioners of any county, township, city, town, or borough in this State, shall be directly or indirectly concerned in any agreement or contract for the construction of any bridge or building of any kind whatsoever, or any improvement whatever to be constructed or made for the public use or at the public expense, or shall be a party to any contract or agreement either as principal or surety between the county, township, city, town, or borough, as the case may be, and any other party; or shall be directly or indirectly interested in furnishing any goods, chattels, supplies, or property of any kind whatsoever, to or for the county, township, city, town, or borough, the contract or agreement for which is made, or the expense or consideration of which is paid, by the board, council or committee of which such member is a part, shall be deemed guilty of a misdemeanor, and on being thereof convicted shall be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding three years, or both, at the discretion of the court.

Approved March 8, 1877.

CHAPTER XLVI.

A Further Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Recital of section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ten of the act to which this is a supplement, and which reads as follows:

"That no person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any rail bird or reed bird, except in the months of September, October and November, under a penalty of five dollars for each and every rail bird or reed bird so killed or had in possession," be amended so as to read as follows:

Amendment.

That no person shall kill or expose for sale, or have unlawfully in his or her possession, after the same has been killed, any rail bird, except in the months of September, October and November; any reed bird, except from the fifteenth day of August to the first day of December, under a penalty of five dollars for each and every rail bird or reed bird so killed or had in possession.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER XLVII.

An Act to facilitate the establishment of fire departments in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the city council of any city in this State having a population of not exceeding ten thousand inhabitants, and at present having no department for extinguishing of fires, and whose charter or act of incorporation authorizes the organization and maintenance of a fire department, and the procuring of fire extinguishing apparatus, and forming of fire companies, building of suitable houses and furnishing a supply of water for that purpose, to issue the bonds of such city to an amount not exceeding the sum of fifteen thousand dollars, to be used and proceeds thereof applied for the above purposes, under the restrictions and in the manner provided in such charter or act of incorporation; such bonds shall be in sums of one hundred dollars each, or the multiples thereof, and shall be denominated "Fire Department bonds,'" and shall be payable in twenty years, with interest at a rate not to exceed seven per centum per annum, payable semi-annually, and shall be signed by the mayor, or in his absence or inability, by the presiding officer of said city for the time being, and attested by the city clerk, and countersigned by the comptroller, and shall not be sold or negotiated at less than par.

Authority given to city council to issue bonds in cities of less than ten thousand inhabitants, for the purposes of a fire department.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER XLVIII.

A Supplement to the act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Trustees of school districts in townships to give bonds, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever the trustees of any school district, in any township in this State, shall have been or shall be authorized to receive any moneys for the purpose of establishing a sinking fund, for the redemption of any bonds, or the payment of any indebtedness, or the extinguishment of any lien upon the school property of such district, the said trustees shall be required to execute, and to deliver to the township committee of their respective townships, their several bonds to the inhabitants of such townships, by their corporate name, in such sums and with such sufficient freehold security as shall be approved by such committee; the said bonds to be conditioned for the honest and faithful investment and appropriation of all such moneys, and the interest thereon, for the purposes aforesaid; and, in case of the breach of the condition of any of said bonds, the same shall be prosecuted by the said committee, in the name of said township, and all moneys to be collected thereupon shall be paid over to the trustee or trustees of said district, for the purposes aforesaid; and that if any trustee shall refuse or neglect to make and deliver any such bond as aforesaid, within thirty days after he shall be thereunto required by a resolution of the said committee, he shall thereby be held to have resigned his office as such trustee, and such office shall be thereby vacated, and may be filled in the manner provided by law for the filling of vacancies in such board of trustees.

Bonds may be prosecuted in name of township.

When office of trustee to be deemed vacant.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER XLIX.

An Act to amend an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six, which now reads as follows, to-wit:

Recital of section to be amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the first day of January, one thousand eight hundred and seventy-seven, all town meetings in the several towns and townships of this State, for the election of town and township officers, shall be held on the second Tuesday in March, in each and every year; and that at such elections the vote shall be by ballot, and the same shall be conducted and held in the same manner that the general elections are held and conducted," be and the same is hereby amended so as to read as follows, to wit:

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the first day of January, one thousand eight hundred and seventy-seven, all town meetings in the several towns and townships of this State, for the election of township officers, shall be held on the second Tuesday of March, in each and every year; and that at such elections the vote shall be by ballot, and the same shall be held and conducted in the same manner that the general elections are held and conducted; *provided, however*, that this section shall not apply to towns or townships in any county of this State where chosen freeholders are elected by assembly districts.

Time of holding annual election for township officers.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER L.

An Act for the government of cities.

Proceedings may be published in a newspaper or newspapers that has been published over two years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever the board of aldermen, council, or common council of any city is required by the provisions of its charter to designate one or more newspapers to publish the proceedings of such board of aldermen, common council, or council, and to publish the proceedings of any of the other boards in said city in a newspaper or newspapers printed and published in said city and authorized to publish the laws of the State at the date of the passage of such city charter or any supplement thereto; that in every such case such city may hereafter publish the said proceedings in a newspaper or newspapers published and printed in said city that shall have been in existence and published in said city for over two years.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LI.

A Supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March the twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That when any executor or ad-

ministrator shall discover or believe that the personal estate of his testator or intestate is insufficient to pay his debts, and the said testator or intestate died seized of lands lying in more than one county of this State, or in any county other than the county where the will of the testator was proved or letters of administration granted, and it shall become necessary or desirable to sell such lands, or any part thereof, lying in any county other than that in which administration is had, for the payment of the debts of such testator or intestate, it shall be the duty of the executor or administrator to exhibit, under oath, a true account of the personal estate and debts, as far as the same can be discovered, to the orphans' court of the county in which the will of such testator was proved or letters of administration were granted, and request their aid in the premises by petition, which petition shall set forth the description of all the lot or lots of land of which the said testator or intestate died seized, where the same is situate, its character, quantity and value as nearly as may be; and the said court shall thereupon make an order directing all persons interested in such lands, tenements, hereditaments and real estate to appear before them at a certain day and place, in the said order to be mentioned, not less than two months after the day of making such order, to show cause why so much of the said lands, tenements, hereditaments and real estate of the said testator or intestate should not be sold as will be sufficient to pay his debts, or the residue thereof, as the case may require, which order, signed by the surrogate or clerk of the said court, shall be immediatety thereafter set up at three of the most public places in each county in which such lands, tenements, hereditaments and real estate may lie, for six weeks successively, and be published for the same time in one or more of the newspapers of this State, as the said court may direct.

Proceedings for sale of lands lying in more than one county of this State belonging to testator or intestate whose personal estate is insufficient to pay debts.

Order to show cause why lands should not be sold.

2. *And be it enacted*, That upon the return of the rule to show cause, the said court shall proceed as directed in section seventy-two of the act to which this is a supplement, and order and decree the sale of such lands, tenements, hereditaments and real estate, if any, as may be situate in the county where such administration is had, as in their judgment will be for the interest of the estate of the testator or intestate; and in such order and de-

Proceedings on return of rule.

cree shall further direct the executor or administrator to apply to the orphans' court of any other county wherein such land or parcel of said land of such testator or intestate is situate, for an order to sell said land or parcel thereof lying in such other county, which order shall specify the particular lots to be sold, and the county wherein they severally lie.

Order to sell.

Court to confirm sale.

3. *And be it enacted,* That it shall be lawful for the orphans' court of any county of this State, upon the production of an authenticated copy of such an order directing the sale of lands lying therein, and directing an application to such court, to order, decree and confirm the sale and conveyance of any such lands or real property; the report of such sale shall be made to, and the same shall be confirmed by the court of the county wherein the lands lie.

Copy of report and order confirming sale to be filed with surrogate where administration was granted.

4. *And be it enacted,* That an authenticated copy of the report of sale, and the order confirming such sale, shall be recorded and filed in the office of the surrogate of the county where administration was granted, and the executor or administrator shall account for the proceeds of said sale or sales to the orphans' court making the original order.

Approved March 8, 1877.

CHAPTER LII.

An Act concerning the payment of judgments against any city.

Authorized to borrow money and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That hereafter it shall be lawful for any city within this State, by and through its board of finance or finance department, from time to time, to borrow money for the use of said city, in such sums as may be necessary to pay any judgment now recovered, or that may hereafter be recovered against such city, either

by temporary loans or by the issue of bonds not to exceed twenty years to run, and to issue proper evidences of indebtedness or bonds therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk; and the said evidences of indebtedness and the said bonds shall be in such form as said board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds, or both, as may be determined by such board or department, such indebtedness and bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; said bonds not to be sold or used at less than their par value. Bonds, how executed.

2. *And be it enacted*, That there shall be put in the tax levy of each year a sum sufficient to pay the interest of certificates of bonds issued under the first section, and also such percentage of the principal of said bonds as shall be fixed by the board of finance or finance department, from time to time, and all percentage of the said principal sum thus raised by taxation is hereby pledged and appropriated to the commissioners of the sinking fund in the city where such commissions exist, for the payment of the principal of said certificates or bonds. Provision for payment of interest, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LIII.

A Further Supplement to an act entitled "An act to provide for the drainage of lands," approved March eighth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of managers of the

Managers of geological survey empowered to add to, alter or amend any system or plan of drainage of land subject to overflow, &c., which has been heretofore adopted and filed.

geological survey may, and it shall be lawful for said board, at any time, to add to, alter, or amend any system or plan of drainage for any tract of land which is subject to overflow from freshets, or which is usually in a low, marshy, boggy, or wet condition, which said board has heretofore adopted and filed in the office of the clerk of the supreme court, or which said board shall hereafter adopt and file in the office of the clerk of the supreme court; and every such addition, alteration or amendment, after being adopted by said board and certified by the president of said board and the secretary thereof, shall be filed in the office of the clerk of the supreme court, and thereupon such addition, alteration, or amendment shall become and be a part of the system or plan of drainage to which such addition, alteration, or amendment relates, and shall be executed by the commissioners appointed by the supreme court as if such addition, alteration, or amendment had been incorporated into and formed a part of the original system or plan.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LIV.

A Supplement to an act entitled "An act to incorporate trustees of religious societies," (revision,) approved April ninth, eighteen hundred and seventy-five.

Election of trustees to take charge of estate and property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any diocesan convention, presbytery, classis, synod, annual conference, or other governing body having jurisdiction over a number of churches, congregations, or societies of any church or religious denomination in this State, now or hereafter to be constituted or established, and not

already incorporated, at any stated meeting thereof, by a plurality of voices, to elect any number of discreet persons, not less than three nor exceeding nine in number, as trustees to take charge of the estate and property belonging to such convention, presbytery, classis, synod, annual conference or other such body, and of other property as hereinafter provided, and to transact all affairs relating to the temporalities thereof; the presiding officer and clerk of such governing body shall immediately thereafter certify, under their hands and seals, the names of the persons elected as trustees as aforesaid, in which certificate the name or title by which the said trustees and their successors shall be known shall be particularly mentioned; which said certificate, being duly acknowledged by the said presiding officer and clerk, shall be recorded by the clerk of one of the counties situated, in whole or in part, within the bounds of the jurisdiction of such governing body, and in the book kept for the record of religious corporations; and such trustees, and their successors, shall thereupon, by virtue of this act, be a body corporate by the name or title expressed in such certificate.

Certificate of election to be made.

2. *And be it enacted*, That such trustees shall be capable of taking for religious, educational and charitable purposes, by gift, devise, bequest, grant or purchase, and of holding and disposing of the same, any real and personal estate held for the benefit of any such governing body, or of any parish, congregation, society, church, chapel, mission, or religious, benevolent, charitable or educational institution, existing or acting under such governing body at the time of their election, or which had then or may thereafter be given for any such purposes; *provided*, that the net yearly income received from the said property shall not, at any time, exceed the sum of twenty-five thousand dollars.

Trustees may receive and hold real and personal estate by gift, devise or bequest.

Proviso.

3. *And be it enacted*, That whenever any parish, congregation, society, church, chapel, mission, or religious, benevolent, charitable or educational institution in connection with any such governing body owning any property shall become extinct, by reason of the death or removal of its members, it shall be lawful for the trustees elected by such body as aforesaid to take possession of the temporalities and property belonging to such extinct

Proceedings when governing body shall become extinct.

church or other organization and manage and apply the same to the uses and purposes of the church or religious denomination to which such extinct church or organization belonged in the locality in which such extinct church or organization was located.

Vacancies, how filled.

4. *And be it enacted*, That the trustees elected by virtue of this act shall hold their offices at the pleasure of the governing body by which they are elected; and all vacancies shall be filled by such body as they occur.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LV.

A supplement to an act entitled "An act concerning corporations" (revision), approved April seventh, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eighty of the act to which this is a supplement, and which reads as follows:

Recital of section to be amended.

"80. In payment of the creditors and distribution of the funds of any such company, the creditors shall be paid proportionally to the amount of their respective debts, excepting mortgage and judgment creditors, when the judgment has not been by confession for the purpose of preferring creditors; and that the said creditors shall be entitled to such distribution on debts not due, making in such case a lawful rebate of interest, when interest is not accruing on the same; and the surplus funds, if any, after payment of the creditors and the costs and expenses as aforesaid, and the preferred stockholders, may be divided and paid to the general stockholders proportionally, according to their respective shares,"

be and the same is hereby amended by adding thereto:

Amendment.

"*Provided, however*, that the provisions of this section

shall not be held or construed to in any way change, alter or affect the provisions of section sixty-three of said act, which reads as follows:

Wages due to laborers to be a first lien.

"63. In case of the insolvency of any corporation, the laborers in the employ thereof shall have a lien upon the assets thereof for the amount of wages due to them respectively, which shall be paid prior to any other debt or debts of said company; and the said 'laborers' shall be construed to include all persons doing labor or service of whatever character for, or as workmen or employees in the regular employ of, such corporations."

2. *And be it enacted*, That section eighty-three of the act to which this is a supplement, and which reads as follows:

Section to be amended recited.

"83. Whenever an injunction shall have been granted against any incorporated company, as provided for in this act, and a receiver or receivers, or trustee or trustees, shall have been appointed, as further provided for, and said injunction and appointment shall have continued for four months, it shall not be lawful for the stockholders or directors of said corporation, or any other person whatever, to use or exercise the franchises of such corporation, or to transact any business in their name or by color of their charter, except such as may be necessary to collect their property and assets, and to sell the same, and distribute the proceeds among the creditors and stockholders of said corporation; and that for all other purposes the charter of said corporation, by such injunction, appointment and continuance, shall be forfeited and void, without any further proceedings or judgment,"

Amendment.

be and the same is hereby amended by striking out the latter portion of said section, which reads as follows: "and that for all other purposes the charter of said corporation, by such injunction, appointment and continuance, shall be forfeited and void, without any further proceedings or judgment," and insert in lieu thereof, "and that for all other purposes, the chancellor may at any time, by order, in such suit or proceeding, with or without notice to any one, and without any further proceedings or judgment, and declare the charter of said corporation forfeited and void."

Charter may be declared void by order in chancery.

3. *And be it enacted*, That the charter of no corporation

Charter not to be void by reason of injunction.

shall be forfeited and void, notwithstanding the injunction and appointment mentioned in section eighty-three of the act to which this is a supplement shall have continued for four months; *provided*, said corporation shall have been heretofore managed and doing business under an order of the court of chancery.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LVI.

A Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April ninth, eighteen hundred and seventy-five.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirty-first section of the act to which this is a supplement, which reads as follows: The rector, wardens and vestrymen, appointed as aforesaid, shall be a body corporate and politic, in law and in fact, to have continuance forever under the same restrictions and with the same rights, powers and privileges as are granted to and imposed on trustees in and by the first eight sections and the twelfth section of this act; *provided, nevertheless*, if at any time the church be without a minister or rector, the same rights and privileges shall be vested in the wardens and vestrymen; which section refers to and adopts the third section and the eighth section of said act, which read as follows:

"3. The said trustees and their successors shall by such name of incorporation, be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust for the use of said society or congregation, to an amount in value not exceeding two thousand dollars a year, and the same or any part thereof to

sell, grant, assign, demise, alien and dispose of, to sue or be sued, implead or be impleaded, in any court of law or equity, to make and use a common seal, and the same to alter and renew at their pleasure."

Recital continued.

"8. It shall be lawful for any religious society in this State, however incorporated, to purchase and hold and also to convey and dispose of any real estate, which they may deem necessary and expedient; *provided*, that the same shall not be used by the religious corporation acquiring the same for any other purpose than the rendering and maintaining in any building now or hereafter erected upon such real estate, the worship of Almighty God, and the furtherance of religion according to the tenets and forms of worship of the religious denomination to which such religious society belongs, or for education, or the administration of charity to the bodies or souls of men; any conveyance or agreement by and between any religious corporations, intended for the purposes aforesaid by or under the authority of such corporations, now made or hereafter to be made, is hereby declared to be valid and effectual in law; the proceedings, orders and acts of a majority of all the members of the said corporation, but not of a less number, shall be valid and effectual in law,"

Amendment.

be amended so that the same shall read as follows: The rector, wardens and vestrymen, appointed as aforesaid, shall be a body corporate and politic, in law and in fact, to have continuance forever under the same restrictions, and with the same rights, powers and privileges as are granted to and imposed on trustees in and by the first eight sections and the twelfth section of this act; *provided*, *nevertheless*, if at any time the church be without a minister or rector, the same rights and privileges shall be vested in the wardens and vestrymen; *and provided further*, that it shall not be lawful for the rector, wardens and vestrymen of any Protestant Episcopal Church, or in case the church be without a minister or rector, then for the said the wardens and vestrymen or for the wardens and vestrymen for the time being of any Protestant Episcopal Church who are trustees of the same, to alien, grant, assign, demise, let or mortgage any real church property without the previous written consent of the bishop and of a majority of the standing committee of

Proviso.

Proviso.

the diocese within which such real church property may be situated, or in case of a vacancy in the office of bishop or of his absence from said diocese then of a majority of the standing committee thereof; which consent shall be acknowledged or proved and recorded with the deed, lease, mortgage or instrument of conveyance and without such consent the alienation, grant, assignment, demise, lease or mortgage shall be void.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LVII.

An Act to incorporate Fire Departments.

Persons who may incorporate themselves into a corporate body.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several cities and towns of this State in which there now are or hereafter may be organized fire departments, it shall be lawful for all such persons as now are or hereafter shall be members of the board of engineers of any such fire department, together with all firemen belonging to any of the fire engine, hook and ladder, hose or supply companies, or belonging to any associations of exempt firemen of such city or town,

Name.

to incorporate themselves under and by the name of "The Fire Department," using the name of the city or town in which the same may be located, under which name such persons are hereby constituted a body politic and corporate in law, and by such name shall have succession and continuance, and be capable in law of suing and being sued, defending and being defended, in all courts and places whatever, and may have and use a common seal, and alter and renew the same at pleasure, and by their name as aforesaid, and under their common seal, may enter into, execute and enforce any

May make contracts and agreements.

contracts or agreements relating to, touching or concerning the object of said corporation.

Certificate of corporate name to be filed with county clerk.

2. *And be it enacted*, That the officers of such corporation elected or chosen as hereinafter provided shall immediately certify such corporate name under their hands, and file such certificate in the office of the clerk of the court of common pleas of the county in which the same may be located, whose duty it shall be to record the same, and for which he shall be entitled to receive twenty-five cents.

Corporations heretofore existing may reorganize and be reincorporated.

3. *And be it enacted*, That any such corporation as is provided for by the first section of this act now existing in any city or town of this State, whether the same may have been created and continued by the special act or acts of the legislature of this State or otherwise, may be reincorporated and reorganized under this act, and shall by virtue hereof be constituted a body politic and corporate in law, having all the powers, franchises and privileges by this act conferred upon corporations formed under it, upon the representatives of such corporation or a majority of them resolving so to do; and in such case, the officers of such corporation so to be reorganized shall immediately certify the corporate name of the same and file such certificate in the manner prescribed in the second section of this act; any corporation so reorganized under this act shall succeed to and be seized of all the right, title and interest in any estate, real or personal, belonging to it under its former organization; and the officers and representatives for the time being of such corporation shall continue to serve as such for the terms for which they were respectively chosen or elected.

Right, title and interest in property to vest in reorganized corporations.

May hold and convey real and personal property.

4. *And be it enacted*, That the estate and property, of what kind soever the same may be, of such corporation, shall be vested in them as a corporation, and by their corporate name such corporation shall be able to purchase, receive, take, hold and convey, for the use and benefit of such corporation and for the purpose of effecting the objects of its incorporation, any lands, tenements and hereditaments, and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies politic and corporate.

5. *And be it enacted*, That incorporations under this act

May make by-laws, rules and regulations.

shall be authorized through their representatives, to make, adopt and use, and from time to time to alter, amend or change, such general form of a constitution and such by-laws, rules and regulations for their government and for the management and disposition of their funds, as to them shall seem right and proper; *provided*, that nothing in said constitution, by-laws, rules and regulations be repugnant to the constitution or laws of the United States or of this State.

Proviso.

Representatives to be chosen annually.

6. *And be it enacted*, That on or before the second Monday in December in every year, the board of engineers of the fire department shall choose one representative, the exempt firemen's association shall choose two representatives, each fire engine, hook and ladder, hose and supply company shall choose two representatives, which representatives so chosen shall have and exercise all such powers as are hereinafter committed to them.

Election of officers, &c.

7. *And be it enacted*, That the said representatives shall choose, on the third Monday of December in every year, by ballot, out of the whole body of firemen, and such as have served the term prescribed by law to entitle them to an exemption from further fire, jury or military duty in time of peace, the officers hereinafter named, to wit: a president and vice president, three trustees, a treasurer, secretary and collector; that said trustees shall be classed into three classes, the first class shall go out of office the first year, the second class shall go out of office the second year, and the third class shall go out of office the third year after their election, respectively; that the trustees shall manage the affairs and dispose of the funds of the corporation according to the by-laws, rules and regulations of said corporation, from time to time made and established by the said representatives; that the said trustees shall choose a president who shall convene them when he may think proper, at least twice in each year; that the treasurer and collector shall give security to the trustees for the faithful performance of their trust; that the treasurer shall at every annual meeting of the representatives render to them an account of the funds; that the representatives shall at any meeting have a right to inquire into and control the application of the funds of such corporation, and to displace any of the trustees and officers if judged by them to be guilty of misconduct, and

Term of office of trustees.

Powers and duties of the trustees.

Treasurer and collector to give security.

elect others in their place; that a majority of said representatives, and also of said trustees, shall, respectively, be a quorum to do business; that in case a vacancy shall occur in the office of representative, such vacancy shall be filled by the company to which he belongs, for the remainder of the year, by a special election to be held for that purpose; and that in case of vacancy in the office of president, vice president, treasurer, secretary, collector, or any of the said trustees, such vacancy shall be filled by the representatives for the remainder of the year, by a special election to be held for that purpose. Vacancies, how filled.

8. *And be it enacted*, That the object of incorporations under this act shall be the relief or support of such of the members thereof, including both the active and exempt firemen, as by sickness, casualty or other cause may have become indigent or disabled, and their families. Object.

9. *And be it enacted*, That all the property and funds of such corporations, together with the funds which shall arise from fines, belonging to the same under any ordinance now or hereafter made by the municipal government of any town or city, and all donations received shall be subject to the disposition of such representatives, and the same or the interest and income thereof shall be invested and appropriated to and for the benefit of such indigent and disabled firemen or their families, as may in the opinion of a majority of the trustees be worthy of assistance; and no part of the funds of such corporations shall be used for banking purposes or in any manner except as provided for in this act. Investment and disposition of funds. Funds not to be used for banking purposes.

10. *And be it enacted*, That the legislature may at any time alter, modify or repeal this act, and may also annul or repeal the charter of any fire department incorporated under and by virtue of the provisions of this act. Act may be altered or repealed.

11. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LVIII.

An Act to provide for the enlargement of the New Jersey state prison, and to purchase a burial ground.

Appointment of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the governor of this State by and with the advice and consent of the senate, three competent persons "commissioners to provide for the enlargement of the New Jersey state prison," who shall not receive compensation for services herein imposed upon them, except for actual expenses incurred in the discharge of their duties; nor shall they be in any way concerned in any contract for the erection of any building or buildings hereinafter provided for, or for furnishing supplies of any kind for the same.

Powers and duties of the commissioners.

2. *And be it enacted*, That said commissioners shall have power to select and appoint such architects, superintendents, and other persons necessary, with such compensation as they may fix upon, and it shall be the duty of said commissioners as soon as practicable to commence the erection and alterations of such state prison buildings, and according to such plans as the joint committees of the senate and general assembly for the year one thousand eight hundred and seventy-seven, or a majority of them may approve; that such erection or alterations may be either by contract or otherwise, as the said commissioners may deem best for the interest of the State; and if done by contract they shall invite by public notice proposals for building the same according to the plans adopted, reserving the right to accept or reject any or all bids, which sum shall not be exceeded, but shall wholly complete at least one wing of the buildings under said plans.

Amount of appropriation.

3. *And be it enacted*, That to enable said commissioners to finish and complete at least one wing of the buildings under the plan to be adopted by said joint committees

the sum of one hundred thousand dollars be and the same is hereby appropriated to be paid by the treasurer of the State out of any funds in his hands not otherwise appropriated on the warrant of the comptroller and the requisition from the said commissioners.

Appropriation for purchase of burial ground.

4. *And be it enacted*, That it shall be the duty of said commissioners to expend out of the aforesaid amount a sum not exceeding one thousand dollars in purchasing and enclosing a tract of land to be used for the purposes of a burial ground for convicts dying while confined in the state prison; the land so purchased to be held as a portion of the state prison property.

5. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 8, 1877.

CHAPTER LIX.

An Act concerning cities.

Appointment of city marshal in cities of less than ten thousand inhabitants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of any city of less than ten thousand inhabitants where they now have a city marshal elected by the people, may annually hereafter appoint, in lieu of such election, by a majority of the whole number of its members, at their first stated meeting after their organization, or as soon thereafter as possible, a city marshal, who shall serve for one year, unless sooner removed by order of council; said marshal shall possess all the powers, perform all the duties required to be done by any marshal now elected by the people.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LX.

A Supplement to an act entitled "An act for the preservation of fish," approved the thirteenth day of April, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the above entitled act, which is in the words following, to wit:

Section to be amended recited.

"That hereafter it shall not be lawful for any person or persons, at any time whatever, either by day or night, to put, place or haul any gill, drift, fike or other net or nets, or any eel pot or pots, basket or baskets, or other contrivances whatever, for the taking or catching of fish, in any of the waters of the State, above tide water, or to keep any gill, drift, fike or other net or nets, or any eel pot or pots, basket or baskets, or other contrivance whatever, for the taking or catching of fish in any of said waters mentioned and any person or persons who shall take or catch any fish in manner aforesaid, shall, upon conviction thereof, before any justice of the peace of the county in which said offence is committed, be punished by imprisonment in the common jail of the county for the term of ten days, or by a fine of twenty dollars, for each and every offence, one-half of said fine to be paid into the treasury of the State, and the balance to be paid to the person or persons making complaint and prosecuting such offender or offenders; and when any fine is imposed by virtue of this act, the offender shall stand committed until fine and costs are paid; *provided*, that said penalty shall not apply to the legitimate taking or catching of fish with hook and line, or with hook, line and rod, nor to the catching of fish with drift or drag nets by any person or persons in waters running through, along or being upon his, her or their own lands, if none of the fish so caught are sold or exposed for sale; and each and every person selling or exposing for sale fish caught by any contrivance prohibited by this act, shall

be liable therefor to the penalties above prescribed for illegal fishing; *and provided further*, that the privileges herein granted shall not be extended to any person or persons other than the owner or owners of the lands through or along which any stream may run where such fishing with nets may or shall be carried on; *and provided further*, that this act shall not be held to apply to the Delaware river and private ponds, the property of private owners, which are not runways for migratory fishes; and the owners of such ponds shall not be subject to the penalties herein prescribed for fishing in such ponds with such appliances as they may see fit to use," be and the same is hereby amended so that the said section, as amended, shall read as follows, to wit:

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons, at any time whatever, either by day or night to put, place or haul any gill, drift, fike or other net or nets, or any eel pot or pots, basket or baskets, or other contrivances whatever, for the taking or catching of fish, in any of the waters in the State above tide water, or to keep any gill, drift, fike or other net or nets, or any eel pot or pots, basket or baskets, or other contrivance whatever, for the taking or catching of fish in any of said waters mentioned; and any person or persons who shall take or catch, or assist in taking or catching, any fish in manner aforesaid, or shall put, place, haul or keep, or assist in putting, placing, hauling or keeping, in any of said waters, any of the afore-mentioned contrivances therefor, or shall sell, expose for sale, or have knowingly in possession after the same has been killed, any fish caught by any contrivance prohibited by this act, or shall put, place, keep or use any set lines in waters inhabited by bass, pickerel, perch or trout, upon conviction thereof, before any justice of the peace, either in the county in which said offence is committed, or in which the offender resides or may be found, shall be punished by imprisonment in the common jail of the county for the term of ten days, or by a fine of twenty dollars, for each and every offence; one-third of said fine to be paid by said justice into the treasury of the State, one-third to the fish warden making complaint, and the balance to the person or persons furnishing ma-

Taking of fish prohibited in certain waters at certain times.

Penalty.

terial evidence toward conviction; or if said fish warden be the only witness, he shall receive said balance of fine; and when any fine or imprisonment is imposed by virtue of this act, the offender or offenders shall stand committed until fine and costs are paid; *provided*, that said penalty shall not apply to the legitimate taking or catching of fish with hook and line, or with hook, line and rod, except as to the catching of pickerel and pike from March first to May first, bass from April first to July first, and brook trout and salmon trout from September first to March first, in every year, in relation to which the aforesaid prohibition and penalty shall be in full force and effect; *and provided further*, that this act shall not be held to apply to the catching with a single seine not over ten feet in length, for bait only of minnows, if the young of bass, pickerel, perch, trout and other species of fish known as game fish, be not thereby destroyed; to the spearing of eels or suckers, the catching of eels with balls of string and bait known as bobs; to the catching of fish at any time by, or under the orders of, the state commissioners of fisheries for the purposes of propagation or scientific investigation, nor to the Delaware river; *and provided further*, that the penalties of this act shall not be held to apply to owners or lessees of private ponds which are not naturally runways for migratory fishes, nor to persons having permission from such owners or lessees, for fishing in such ponds with such appliances and at such times as they may choose.

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXI.

An Act respecting deficiencies in appropriations for the payment of teachers' salaries in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That where in any city containing a board of directors of education or other board having the control and management of the public schools in said city, the appropriation made for the payment of teachers' salaries shall have been exhausted before the end of the fiscal year for which said appropriation shall have been made, and the teachers, notwithstanding said appropriation shall have been exhausted, shall have continued teaching during the balance of said fiscal year without compensation, it shall be lawful for the board of finance and taxation, or such other board as is now directed by law to make the appropriation for the payment of teachers' salaries in such city, to order and direct payment for the whole or such portion of said services as the said board may decide ought in justice to be paid; *provided,* that payment shall not be ordered or directed for more than one month's services as aforesaid; and said board is hereby authorized to borrow, in anticipation of taxes next thereafter to be levied in such city, sufficient money to pay for such services of teachers rendered as aforesaid, as the said board may have ordered to be paid, and the amount thus borrowed shall be put in the tax levy next thereafter.

Board of finance or other board authorized by law to make appropriation shall direct payment to be made of teachers' salaries.

Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXII.

An Act authorizing the incorporated cities, towns and townships of this State to renew matured and maturing bonds.

Amount of indebtedness for which bonds may be renewed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by any incorporated city, town or township in this State, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of aldermen or common council, or township committee of any such city, town or township may renew ninety-six and two-thirds per centum of said indebtedness or any less part thereof by the issuing of the bonds

When payable.

of said city, town or township for that purpose; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding seven per centum per annum, and be issued in such sums as the board of aldermen, common council or township committee of any such city, town or township shall by

How executed.

ordinance or resolution determine; which bonds shall be of the denomination of not less than fifty dollars, nor more than one thousand dollars, and shall be executed under the corporate seal of said city, town or township, and the signature of the mayor or chairman of the township committee thereof, and shall have coupons attached for every half-year's interest until due; which coupons shall be signed by the said mayor or chairman and numbered to correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment, shall be made by the said mayor or chairman of said city, town or township, in a book to be provided for that purpose.

2. *And be it enacted*, That the debt hereby authorized and the interest thereon shall be raised and paid by a tax annually levied and collected as other city, town or township taxes are now or may be hereafter levied and collected; and the whole of each year's interest shall be so raised, levied, collected and paid within each year; and the board of aldermen, common council or township committee of any said city, town or township may dispose of said bonds at either public or private sale for the best price that can be obtained for the same, but not at a less price than par value; and said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said maturing bonds. Amount to be raised by annual tax. Bonds not to be sold for less than par value.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXIII.

An Act to incorporate trustees of conferences or other associations composed of representatives of religious societies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association of persons composed of representatives from religious societies or congregations of christians, be and they are hereby authorized at any regular meeting of such association by a majority of votes, by ballot or otherwise, according to the constitution or by-laws of such association, to appoint any number, not exceeding seven, of the said association to be trustees of the same; which said trustees and their successors are hereby constituted a body politic and corporate, by whatever name they shall assume agreeably to the directions of this act. Election of trustees.

2. *And be it enacted*, That the said trustees when they

Certificate of corporate name to be filed with county clerk.

take upon themselves a name, shall certify such name under their hands and seals, and transmit such certificate to the clerk of the court of common pleas of the county in which such association shall have holden their meeting at which said trustees shall have been elected, whose duty it shall be to record the same, and for which he shall be entitled to receive one dollar; and thereupon the said trustees shall be known and distinguished in law by the name of incorporation so taken, certified and recorded.

May receive and dispose of real and personal property.

3. *And be it enacted*, That the said trustees and their successors, shall, by such name of incorporation, be able and capable to acquire, purchase, receive, have and hold, any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust for the use of said association to an amount in value not exceeding two thousand dollars a year, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of; to sue or be sued, implead or be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure; the proceedings, orders, acts and resolutions of a majority of all the trustees of the said corporation, but not of a less number, shall be valid and effectual in law.

Election of trustee or trustees in case of vacancy.

4. *And be it enacted*, That for perpetuating a line of succession in the trustees of such association it shall and may be lawful for the members of said association assembled at any regularly appointed meeting, to elect a trustee or trustees in manner aforesaid, in the stead of those or any of those before elected, in case they see cause for the removal of the said trustees or trustee; *provided*, such removal shall not be in less than one year after their or his election into office, and also to fill the vacancy which may be occasioned by the death or resignation of any trustee.

Proviso.

Election of president.

5. *And be it enacted*, That such corporation may elect annually, or as often as they shall deem it necessary or expedient, one of their number to be their president, who is hereby empowered to convene the said corporation as occasion may require, and preside at the meetings thereof, and execute all contracts, and in case of his absence, sickness, death, resignation or refusal to act, then the said office of president shall devolve on the senior

trustee, for the time being, who shall occupy the same until the return or recovery of the president, or the election of another.

Election of secretary.

6. *And be it enacted*, That such corporation may elect annually, or as often as they shall deem it necessary or expedient, a secretary, who shall keep the minutes and enter the acts, orders and proceedings in a book to be kept for that purpose, and who shall have the custody of the common seal, and the papers, deeds, writings, documents and books of, or relating to, the said corporation; and upon application to the secretary, any member of said corporation or of the association shall have free access to all the papers, deeds, writings, minutes, documents and books of or belonging to the said corporation; and upon the death, resignation, or expiration of the office of secretary, or election of a new one, the common seal, and all minutes, papers, deeds, writings, documents and books of or belonging to such corporation, shall be delivered to his successor in office, on the oath of the preceding secretary, or in case of his death, on the oath of his executors or administrators.

Election of treasurer.

7. *And be it enacted*, That such corporation may elect annually, or as often as they shall deem it necessary or expedient, one of their number to be treasurer, who shall have charge of the moneys of the said corporation, and keep a correct account of the receipts and disbursements of the same, and whenever required by the said corporation or by the association, to render a true statement, in writing, of the receipts and disbursements of the said corporation; and upon the death, resignation, removal or expiration of office of treasurer, or election of a new one, all the books, accounts, vouchers and documents in the hands of such treasurer, belonging to such corporation, shall be delivered to his successor in office.

Approved March 8, 1877.

CHAPTER LXIV.

An Act to amend an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the forty-ninth section of the act to which this is an amendment, which section is in the following words:

Section to be repealed recited.

"49. *And be it enacted*, That this act shall not apply to any stock company or savings bank or savings institution already organized under special charters of this State before the thirty-first day of December, one thousand eight hundred and seventy-seven," be and the same is hereby repealed.

Act not to apply except to certain sections.

2. *And be it enacted*, That the act to which this is an amendment shall not apply to any stock company or savings bank or savings institution already organized under special charters of this State, except as to sections sixteeen, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-two, forty-three, forty-four and forty-five, the provisions of which shall apply to such companies, banks or institutions; the said sections herein referred to being in the words following, to wit:

Sections recited.

"16. *And be it enacted*, That the business of every such corporation shall be managed and directed by a board of managers of not less than nine, who shall elect from their number a president and a vice president, and shall elect or appoint from their own number, or otherwise, such other officers as they may see fit; and all vacancies in such board, by death, resignation or otherwise, shall be filled by the board of managers, on approval by the state board, with persons duly qualified by section two of this act, as soon as practicable, at a regular meeting after such vacancies shall occur.

"35. *And be it enacted*, That it shall be the duty of the managers of every savings bank, by a committee of not

less than three of such managers, on or about the first day of January in each year, to thoroughly examine the books, vouchers and assets of such savings bank and its affairs generally, and the statement or schedule of assets reported to the secretary of state for the first day of January in each year shall be based upon such examination, and shall be verified by the oath or affirmation of a majority of the managers making such examination; but nothing herein contained shall be so construed as to prohibit the managers of any savings bank from requiring such examination at such other times as they may prescribe.

Recital of sections continued.

"36. *And be it enacted*, That every such corporation shall, on or before the first day of February in each year, make a report in writing to the secretary of state, and in such form as the state board shall prescribe, of its condition on the first day of the month preceding such report.

Continued.

"37. *And be it enacted*, That such report shall state the amount loaned upon bond and mortgage, together with a list of all bonds and mortgages upon which the interest has been in arrear six months; the cost, par value and estimated market value of all investments, designating each particular kind of security; the amount loaned upon the pledge of securities, with a statement of the securities held as collateral for such loans; the amount invested in real estate, giving the cost of the same; the amount of cash on hand and on deposit in banks, with the names of such banks and the amount deposited in each, and such other reasonable information as the state board may require.

Continued.

"38. *And be it enacted*, That such report shall also state all the liabilities of such savings corporation on the morning of the said first day of January; the amount due to depositors, which shall include any dividend to be credited to them for any interest period ending on the day preceding that day; and any other debts or claims against such corporation which are or may be a charge upon its assets, excepting claims for current expenses not to exceed the sum of three hundred dollars; such report shall also state the amount deposited during the twelve months previous, and the amount withdrawn during the same period; the whole amount of interest or profits received or earned, and the amount of dividends credited

to depositors; the number of accounts opened or reopened, the number closed during that period, and the number of open accounts at the end of that period, and such other reasonable information as may be required by the said state board.

Recital of sections continued.

"39. *And be it enacted,* That such report shall be verified by the oath or affirmation of the two principal officers of the institution, and the statement of assets shall be verified by the oath or affirmation of a majority of the committee of managers who examined the same, pursuant to the requirements of section thirty-five of this act; and any willful false swearing in regard to such reports, or in regard to any reports made to the secretary of state, pursuant to the provisions of this act, shall be deemed perjury, and shall be subject to the prosecutions and punishments prescribed by law for that offence.

Continued.

"40. *And be it enacted,* That if any savings bank shall fail to furnish to the secretary of state any report or statement required by this act, at the time so required, the managers of such bank shall personally forfeit the sum of one hundred dollars per day for every day such report or statement shall be so delayed or withheld; and the said secretary of state may maintain an action against such managers jointly in his name to recover such penalty, and when collected, the same shall be paid into the treasury of the State; but the said state board may, for sufficient cause shown, extend the time for making such report, not exceeding thirty days.

Continued.

"42. *And be it enacted,* That it shall be the duty of the secretary of state, on or before the fifteenth day of February in each year, to communicate to the legislature a statement of the condition of every such corporation, from which a report has been received for the preceding year; and also the name and location of savings corporations, authorized by the state board, during the year, with the date of their incorporation, and particularly describing those incorporated at any time, which have commenced business, during the previous year.

Continued.

"43. *And be it enacted,* That it shall be the duty of the secretary of state to visit and examine every savings corporation in this State, at least once in two years, or whenever, in the judgment of the state board, its condition or management is such as to render an examination of its

affairs necessary or expedient; the said secretary shall have power to administer an oath or affirmation to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of such examination, by summons, subpœna or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the courts of record of this State; and all books and papers which it may be deemed necessary to examine by the said secretary, shall be produced, and their production may be compelled in like manner; whenever such special examination shall be made by the said secretary in person, no charge shall be made, except for necessary traveling and other actual expenses; the result of any such examination shall be certified by the secretary of state upon the records of the corporation examined; and the results of all the regular examinations, during the previous year, shall be embodied in the annual report of the secretary of state, required by this act to be submitted to the legislature.

Recital of sections continued.

"44. *And be it enacted,* That whenever it shall appear to the state board, from any examination made under this act, or from the report made by any such corporation, pursuant to the requirements of sections thirty-six, thirty-seven, thirty-eight and thirty-nine of this act, that any such corporation has committed any violation of its charter or of law, or is conducting its business and affairs in an unsafe or unauthorized manner, the said state board shall, by an order, under their hands, direct the discontinuance of such illegal and unsafe or unauthorized practices, and shall insist upon a strict conformity with the requirements of the law, and with the safety and security of its transactions; and whenever any such corporation shall refuse or neglect to make any such report, as is hereinbefore required, or to comply with any such order as aforesaid, or whenever it shall appear to the said state board that it is unsafe or inexpedient for any such corporation to continue to transact business, they shall communicate the facts to the attorney-general, who shall thereupon institute such proceedings as the nature of the case may require; the proceedings instituted by the attorney-general may be for the removal of one or more of the managers, or for such other or further relief or cor-

rection as the particular facts communicated to him shall seem to require; the court, before which such proceedings shall be instituted, shall have power to grant such orders, and in its discretion, from time to time, to modify or revoke the same, as the evidence in the case, and the situation of the parties, and the interests involved shall seem to require.

Recital of sections continued.

"45. *And be it enacted*, That for the purpose of defraying the expenses incurred in the performance by the secretary of state of the general duties, including the regular examinations, imposed upon him by this act, each savings corporation shall pay five dollars annually, and the residue of such expenses, the amount whereof shall be approved by the state board, shall be paid by savings corporations, whose deposits exceed one hundred thousand dollars, in proportion to the amount of assets severally held and reported by them, and the sums so contributed shall be paid into the treasury of the State, subject to the order of the state board; if any such savings corporation shall, after due notice, refuse or neglect for thirty days to pay its allotted share of such charges, the said secretary may maintain an action in his name of office against such corporation, for the recovery of such charges."

Charters extended.

3. *And be it enacted*, That the charters of all savings banks or savings institutions which are not stock companies, which are now continuing business and whose charters have already, or may prior to the thirty-first day of December, one thousand eight hundred and seventy-seven, expire by limitation, are hereby extended from the date of their said expiration to the first day of January, one thousand eight hundred and seventy-eight; and that upon the acceptance of this renewal by a continuance thereunder, the said banks or institutions shall respectively be entitled to all the privileges, and liable for all the acts which they may have exercised and performed since the expiration of their respective charters, to the same extent as if said charters had not expired by limitation; *provided*, that the said saving bank and saving institution whose charters are extended or renewed, as provided for in this section, shall be subject to all pains, penalties and liabilities of this act.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXV.

Supplement to an act entitled "An act regulating proceedings in criminal cases," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in every county in this State having a population of over one hundred thousand inhabitants, the prosecutor of the pleas for said county may appoint some suitable person to act as a special officer for the detection, arrest, indictment and conviction of offenders against the laws; such person so appointed shall possess all the powers and rights, and be subject to all the obligations of constables and police officers in any county of this State and before such person shall enter upon his duties as said officer his appointment shall be approved by a majority of all the judges of the court of general quarter sessions of the peace of said county, and said person so appointed shall receive the same per diem allowance and compensation, and no more, as is by law allowed for the same services to constables in the respective counties where said persons shall be appointed; *provided,* that said per diem allowance and compensation shall be paid only for the time such officer shall be actually employed, which time shall be certified to the county collector by the said prosecutor or the sheriff of said county.

Prosecutor of the pleas may appoint a special officer.

To have powers and rights of constables and police officers.

Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXVI.

A Further Supplement to an act entitled "An act to authorize the formation of railroad corporations, and regulate the same," approved April second, A. D., eighteen hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That section thirty-six of the act to which this is a supplement, and which now reads as follows:

Section to be amended recited.

36. *And be it enacted,* That it shall be lawful for any company incorporated under this act, in addition to the power hereinbefore given, to build viaducts over any navigable or other rivers, streams or bay of water, which said railroad may cross, putting in such viaduct, a pivot draw, with two openings, each of no less width than the widest opening in any viaduct or bridge now built over any such river, stream or bay of water at right angles to the main channel, located at a point convenient for navigation; and such company shall at all times when such river, stream or bay is navigable for the safety of persons navigating the same, cause to be kept a red light at each outer side of said draws, and a white light on each inner side of said draws, which shall be lighted every evening at or before sunset, and be kept lighted till daylight; and shall also keep or cause to be kept, a suitable person or suitable persons at each of said bridges, to open the draws for the free passage of all vessels, with standing masts or pipes; and for each and every neglect to keep such light and to open the draws when necessary, the said company shall forfeit and pay the sum of one hundred dollars, to be recovered with costs, in any court having jurisdiction thereof, by any persons who shall sue for the same, within six months after the time of such neglect; *provided,* that corporations formed under this act shall not take any land under water belonging to this

State, until the consent of the riparian commissioners shall first be had and obtained, who are hereby authorized to convey the same on receiving such compensation as they may fix; *provided further*, that no corporation organized under this act, shall be authorized to take, use or occupy by condemnation, any lands belonging to the State of New Jersey, or any franchises, lands, or located route, of any bridge, railroad, canal, turnpike, or other corporation chartered for the purpose of facilitating transportation, except for the purpose of crossing said lands or route of said corporation, and except the lands of such other corporations not necessary for the purposes of their franchises; *and provided further*, that a railroad may be located or constructed under this act, on the surveyed route, or location of any other railroad, with the consent of such corporation, and not otherwise; *and provided further*, that no railroad under this act shall cross another railroad at a less angle than forty-five degrees, be and the same is hereby amended, so that the last proviso therein shall read as follows, to wit: *and provided further*, Amendment. that no railroad under this act shall cross another railroad at a less angle than twenty degrees; *provided, however*, Proviso. that this supplement shall apply only to railroads already built and now in operation and which shall desire to change a crossing now existing.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXVII.

A Supplement to an act entitled "An act to provide for the incorporation and regulation of insurance companies," approved April ninth, eighteen hundred and seventy-five.

Proceedings may be had in chancery for injunction restraining company from transacting further business or transfering its assets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the secretary of state, as the result of examination as authorized by the act to which this is a supplement, shall ascertain that the assets of any fire insurance company organized under the laws of this State, after charging it with an amount requisite for the re-insurance of all its outstanding risks and with its other proper liabilities, excepting capital stock paid in, amount to less than three-fourths of such capital, if it be a joint stock capital company, or in the case of mutual companies, if the assets, less unsettled claims and other actual liabilities, amount to less than three-fourths of the sum requisite for re-insurance, or in the case of any life, or other than fire insurance company, that the assets are not sufficient to re-insure its outstanding risks and discharge its total actual liabilities, or is of opinion that any such fire, life or other insurance company is insolvent by the standard hereby fixed, or that its condition is such as to render its continuance of business hazardous to the public or those holding its policies, or that the officers of any such corporation have violated or failed or neglected to comply with the provisions of its charter, or, if organized under general laws, the requirements thereof, or the by-laws, adopted in accordance with such charter or laws by the board of directors of such corporation, or that the assets, or any portion thereof, of any such corporation are not kept continually within this State, or are about being removed from the State, it shall be his duty to apply by petition or bill of complaint or information to the chancellor for an injunction restraining such corporation from the trans-

action of any further business, or the transfer of its assets, or any portion thereof, in any manner whatsoever, and for such other relief and assistance as may be appropriate to the case; and the chancellor being satisfied of the sufficiency of such application, or that the interests of the people so require, may order an injunction and make other appropriate orders in a summary way, and thereafter proceed in said cause according to law and the practice of the court of chancery.

Chancellor may order an injunction.

2. *And be it enacted*, That any fire insurance company not organized under the laws of this State doing business on the mutual plan, may be admitted to transact business in this State if it shall appear to the secretary of state that such company is possessed of cash assets, well invested, of one hundred and fifty thousand dollars and a like amount of premium or deposit notes liable to assessment to pay losses, and if it shall in all other respects comply with the laws of this State and the requirements of the secretary of state in pursuance thereof.

Mutual companies of other states admitted to this state.

3. *And be it enacted*, That it shall not be lawful for any life insurance company organized or to be organized under the laws of this State to contract for the re-insurance of any of its outstanding risks or policy obligations in any other company, nor itself to re-insure such risks or obligations of another company unless two-thirds in number of the holders of the policies proposed to be re-insured shall assent thereto in writing; and the contract for such re-insurance shall be utterly invalid and of no force until it shall have been submitted to the secretary of state of this State and by him approved, which he shall only do after due inquiry and upon satisfactory evidence that the interests of the policy holders are fully protected, and that the consent of two-thirds of them has been had in writing as aforesaid.

Contracts for re-insurance prohibited unless assent is obtained.

Contract not to be valid unless approved by the secretary of state.

4. *And be it enacted*, That it shall be lawful for the receiver of any life insurance company organized under the laws of this State, whenever the assets of such company shall be sufficient for that purpose, and the consent of two-thirds of the policy holders thereof shall have been had in writing, to re-insure all the policy obligations of such company in some other solvent life insurance company, or whenever the assets are insufficient to secure the re-insurance of all the policies in full, he may re-insure

Receiver of life insurance company may re-insure policy obligations.

Proviso.

such a percentage of each and every policy outstanding as the assets will secure; *provided*, that there shall be no preference or discrimination as against any policy holder, and that the contract for such re-insurance by the receiver shall be approved by the secretary of state before it shall have effect.

Receiver shall file annual statement.

5. *And be it enacted*, That the receiver of every insurance company, of whatever kind, organized under the laws of this State, shall file a statement of the affairs of such company and his transactions as receiver thereof, in the department of state of this State during the month of January, annually, or on closing up the business of such company, in such form as the secretary of state may prescribe, and a summary of every such statement shall be included by the secretary of state in his annual insurance report.

Insurance companies of other states not to transact any insurance business in this state until duly authorized by this state.

6. *And be it enacted*, That it shall not be lawful for any insurance company of any kind whatsoever, not incorporated under or by virtue of the laws of this State, itself, or by its agents, surveyors, canvassers, or other representative of whatever designation, nor for any such agent, canvasser or representative, nor for any person, whether on behalf of any such insurance company, or not, to open or maintain any office or in any manner, directly or indirectly, transact any business of insurance within this State, notwithstanding such business may be transacted wholly with citizens of other states; nor for any person within this State to solicit or negotiate any contract of insurance or deliver or transmit any policy or certificate of renewal thereof or receive any premium thereon, on any property or thing, or on the life of any person, for or on behalf of, or in any such company, unless it shall have previously complied with the provisions of the act to which this is a supplement and the supplements thereto.

Penalty for violation.

7. *And be it enacted*, That the penalty for each and every violation of this act, and the act to which it is a supplement and the supplements thereto, shall be five hundred dollars, and all costs of suit, to be sued for and collected, on complaint, in the name of the State, by the prosecutor of the pleas for the county where the offence shall have been committed; the first process against any person complained of may be a *capias ad respondendum*,

and the person or persons against whom a judgment shall be obtained shall be committed to the county jail until such penalty and costs are paid; one-half of such penalty, when recovered, shall be paid to the charitable fund of any fire department in said county, and the other half to the complainant; and the necessary expenses of enforcing the provisions of this act, and the act to which it is a supplement, when not otherwise provided for, shall be paid out of the taxes paid by insurance companies of other states or nations authorized to transact business in this State. Penalty, when recovered, how disposed of.

8. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 8, 1877.

CHAPTER LXVIII.

A Supplement to an act entitled "An act concerning corporations" (revision), approved April seventh, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the forty-ninth section of the act to which this is a supplement, which reads as follows: "It shall be the duty of every corporation incorporated under the laws of this State, whether organized under general or special laws, and of all incorporated companies recognized or to be recognized by the laws of this State, and of all corporations of other States transacting or to transact business in this State, and they are hereby required, within thirty days after the usual time of annual election of directors, managers or trustees thereof, to furnish to the secretary of state of this State a complete list, authenticated by the signature of the president and secretary, of the names of their directors, trustees or managers and officers, with the date of election Section to be amended recited.

or appointment, and term of office of each such director or officer, with their places of residence, respectively, together with the business and location or principal office or place of business of the company in this State, and it shall be the duty of the secretary of state to file and keep the same in his office; and every such corporation, for a failure to comply with the provisions of this section, shall, for every such offence, forfeit the sum of two hundred dollars, the one-half thereof to the use of the State of New Jersey, and the other moiety to him who shall sue for the same, to be recovered by action of debt, in any court of record, together with costs of suit," be and the same is hereby amended so as to read as follows: That it shall be the duty of all corporations which may now or hereafter be authorized to transact business in this State, whether organized under general or special laws, although such corporation may not be organized under the laws of this State, and they are hereby required to file, on or before the thirtieth day of June next, and annually thereafter within thirty days after the usual time of the annual election of directors, managers, or trustees and the officers thereof, whether such election shall have been held on the day fixed by law or not, in the department of state of this State a complete list, duly authenticated by the signature of the president and secretary, of the names of such directors, managers, trustees and officers, with the date of the election or appointment, term of office and residence of each; and also to designate the business and the location of the principal office or place of business of the company in this State, as also in the State where organized; and for this purpose it shall be the duty of the secretary of state to furnish blanks in proper form, and to safely keep in his office all lists so filed, and issue to the company so filing his certificate thereof, and also to prepare an alphabetical index thereto, which lists and index shall be submitted to the inspection of persons interested at all proper hours; and it shall further be his duty during the month of April next to cause a notice of the requirements of this act to be published three times in each of the newspapers in this State authorized to publish the laws; and every such corporation which shall not, within ten days of the time herein fixed, comply with the provisions of this act shall forfeit the sum

Amendment.

List of names of directors, managers, &c., to be filed in office of secretary of state.

Secretary shall issue certificate of filing.

of two hundred dollars, the one-half thereof to the use of the State of New Jersey, and the other moiety to him who shall sue for the same, to be recovered by action of debt in any court of record, together with costs of suit.

2. *And be it enacted*, That all acts or parts of acts to which this is a supplement conflicting with this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 8, 1877.

CHAPTER LXIX.

A Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall steal from any railroad corporation or its agents or depositaries the certificate or certificates, contract or contracts, for passage commonly known and designated a "ticket" or "tickets," which would entitle the holder thereof, or any other person to carriage on the cars of the said or other corporations between the places designated on such ticket or tickets, and which if sold by said corporation in the regular course of its business would have produced in the aggregate a sum less than twenty dollars, he or she, so offending, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by confinement in the jail of the county where convicted for a period of three months, or by both, and if such ticket or tickets, if sold as aforesaid by said corporation, would have produced in the aggregate a sum equal to or greater than twenty dollars, he or she, so offending as aforesaid, shall on conviction thereof be punished by a fine not exceed- Penalty for stealing railroad tickets.

ing five hundred dollars, or by imprisonment, at hard labor, not exceeding ten years, or by both.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1877.

CHAPTER LXX.

A Supplement to an act entitled "An act to authorize the formation of gaslight corporations and regulate the same," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the eighteenth section of the act to which this is a supplement, which reads as follows:

Section to be amended recited.

"That the quality of gas supplied by any company organized under this act shall be, with respect to its illuminating power, such as to produce from an English parliamentary standard argand burner, known as the London burner for sixteen candle gas, consuming five cubic feet of gas an hour, a light equal in intensity to the light produced by not less than fourteen sperm candles of six to the pound, each burning one hundred and twenty grains an hour; and such gas shall, with respect to its purity, be so far free from sulphuretted hydrogen that it shall not discolor paper imbued with acetate of lead, when these tests are exposed to a current of gas, issuing for thirty seconds, under a pressure of five-tenths of water," be and the same hereby is amended so as to read as follows:

Amendment.

Quality of gas to be furnished.

That the quality of gas supplied by any company organized under this act shall be, with respect to its illuminating powers, such as to produce from an English parliamentary standard argand burner, known as the London burner for sixteen candle gas, consuming five cubic

feet of gas an hour, a light equal in intensity to the light produced by not less than fourteen sperm candles of six to the pound, each burning one hundred and twenty grains an hour; and such gas shall, with respect to its purity, be so far free from sulphuretted hydrogen that it shall not discolor paper imbued with acetate of lead, when these tests are exposed to a current of gas, issuing for thirty seconds, under a pressure of five-tenths of water; and shall not contain more than one per cent. of carbonic acid gas, nor more than two per cent. of carbonic oxide gas, nor more than ten per cent. of hydrogen gas, under a penalty of one hundred dollars a day for each and every day that the gas supplied is not in accordance with the requirements of this act, to be sued for and recovered, with costs of suit, on complaint, in any court of competent jurisdiction; the one-half of such penalty to be paid into the treasury and for the use of the town or city where the works of such company are located, the other half to the complainant. Penalty.

2. *And be it enacted*, That this act shall take effect immediately, and all acts or parts of acts inconsistent herewith be and the same hereby are repealed. Repealer.

Approved March 8, 1877.

CHAPTER LXXI.

An Act to provide for the better protection of passengers upon railroads, and to insure the prompt transportation and delivery of freights.

WHEREAS, Strikes by locomotive engineers and other railroad employees, and the abandonment by them of their engines and trains at points other than their schedule destination, endangers the safety of passengers and subjects shippers of freights to great inconvenience, delay and loss; therefore, Preamble.

Penalty for being engaged in or inciting others to strike.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any locomotive engineer or other railroad employee upon any railroad within this State, engaged in any strike, or with a view to incite others to such strike, or in furtherance of any combination or preconcerted arrangement with any other person to bring about a strike, shall abandon the locomotive engine in his charge, when attached either to a passenger or freight train, at any place other than the schedule or otherwise appointed destination of such train, or shall refuse or neglect to continue to discharge his duty, or to proceed with said train to the place of destination as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

Penalty for lending aid to any strike or strikes.

2. *And be it enacted*, That if any locomotive engineer or other railroad employee within this State, for the purpose of furthering the object of or lending aid to any strike or strikes organized or attempted to be maintained on any other railroad, either within or without this State, shall refuse or neglect, in the course of his employment, to aid in the movement over and upon the tracks of the company employing him of the cars of such other railroad company, received therefrom in the course of transit, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

Penalty for molesting or obstructing any locomotive engineer.

3. *And be it enacted*, That if any person, in aid or furtherance of the objects of any strike upon any railroad, shall interfere with, molest or obstruct any locomotive engineer or other railroad employee engaged in the discharge and performance of his duty as such, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

Penalty for obstructing any track, &c.

4. *And be it enacted*, That if any person or persons, in aid or furtherance of the objects of any strike, shall ob-

struct any railroad track within this State, or shall injure or destroy the rolling stock or any other property of any railroad company, or shall take possession of or remove any such property, or shall prevent or attempt to prevent the use thereof by such railroad company or its employees, or shall, by offer of recompense, induce any employee of any railroad company within this State to leave the service of such company while in transit, every such person offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars, and may be imprisoned not more than one year, at the discretion of the court.

5. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXII.

An Act for the support of the State Industrial School for Girls.

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That for the support of the said school, the instruction and maintenance of its pupils, the sum of seven thousand five hundred dollars be and the same is hereby appropriated, which sum the treasurer of the state is directed to pay to the trustees of said school on the warrant of the comptroller.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXIII.

An Act empowering justices of the peace and others to commit to the county jail in lieu of the workhouse in certain cases.

May commit to county jail in lieu of workhouse.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That wherever, under any existing law of the State, it may be required of, or may become the duty of, any justice of the peace, or other person of competent authority, to commit any person for any offence to the workhouse of the county, there being no workhouse at that time in such county, then it shall be lawful for the justice of the peace, or other person having authority as aforesaid, to commit such person to the common jail of said county for such term and upon such conditions as are required where a workhouse may exist or has been established in any county.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXIV.

Supplement to an act respecting conveyances, (revision,) approved March twenty-seventh, A. D., eighteen hundred and seventy-four.

Preamble.

WHEREAS, Commissioners of deeds in and for this State, in some instances, have through inadvertance or mistake, continued to take acknowledgments and proofs of deeds, mortgages and other writings, after their terms

of office had expired, and innocent persons may be subject to loss or injury thereby; therefore,

Acknowledgments of deeds, &c., validated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and proofs of deeds, mortgages and other writings, and certificates thereof, heretofore taken or made before or by a commissioner of deeds in and for this State, whose term of office had expired at the time of taking such acknowledgement or proof and making the certificate thereof, and the records of such deeds, mortgages and other writings, are hereby confirmed and made valid, and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such acknowledgement or proof had not expired.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXV.

An Act for the support of the State Reform School for Boys.

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support and maintenance of the reform school for boys the sum of thirty thousand dollars is hereby appropriated, which the treasurer of the State is hereby directed to pay to the trustees on the warrant of the comptroller.

Appropriation for protection against fire, &c.

2. *And be it enacted*, That the sum of one thousand dollars is hereby appropriated for the erection of a standpipe as a protection against fire, and the further sum of five hundred dollars for improvements, which several sums shall be paid by the treasurer to the trustees on the warrant of the comptroller, and that this act shall take effect immediately.

Appropriation for engine.

3. *And be it enacted,* That the sum of fifteen hundred dollars ($1,500) is hereby appropriated for the purchase of an engine and boiler.

Approved March 9, 1877.

CHAPTER LXXVI.

A supplement to an act entitled "An act to regulate the practice of courts of law."

Proceedings when defendant is held to bail on ground of fraud in contract.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That when any defendant or defendants in any action on contract has been held to bail, upon preliminary affidavits, upon the ground of fraud in the inception of the contract, it shall be lawful, upon the trial of said cause, to inquire into the fact of said fraud; and if it shall appear on said trial that there was no fraud on the part of the defendant or defendants in the inception of said contract, then there shall not issue in said action a body execution; and the judge or justice presiding at the trial of said cause shall determine from the evidence and certify upon the record whether said fraud was proved or not.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXVII.

A Supplement to an act entitled "An act to ascertain the rights of the State and of the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the State," approved April eleventh, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when land has been or shall be taken or granted for a right of way, and such right of way has been or shall be so located on land of a riparian owner as to occupy the same along or on the shore line, and thereby separate the upland of such riparian owner adjoining that used for such right of way from tide water, such owner of the land so subject to such right of way shall be held to be the riparian owner for the purpose of receiving any grant or lease heretofore or hereafter made of lands of the State under water, or for the purpose of receiving any notice under the act to which this is a supplement or the supplements thereto; *provided*, that nothing in this act shall affect the rights of the State to the lands lying under water.

When owner of land shall be held to be the riparian owner for the purpose of receiving grants, &c.

Proviso.

2. *And be it enacted*, That this act shall be taken as a public act, and take effect immediately.

Approved March 9, 1877.

CHAPTER LXXVIII.

A Supplement to the act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages with water," approved April twenty-first, one thousand eight hundred and seventy-six.

May issue and dispose of bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every company organized under the act to which this is a supplement may make and issue bonds, with or without coupons attached, bearing interest not exceeding seven per centum per annum, to borrow money or to secure any indebtedness created by them, and sell, exchange or otherwise dispose of the same upon such terms and conditions as they may deem advisable, and such bonds and the interest thereon may be secured by mortgage or mortgages given or executed to a trustee or trustees for the use of the bondholders upon the corporate franchises, real and personal estate and all other property of such company or any part thereof;

Proviso.

provided, they shall not issue bonds for a greater sum than two-thirds of their capital stock paid in, including any former loans.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXIX.

A Further Supplement to an act entitled "An act to establish a system of public instruction," (revision,) approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eighty-seven, of the act to which this act is a supplement, and which reads as follows:

Recital of section to be amended.

"87. It shall be lawful for the inhabitants of each district when met in conformity to the provisions of the preceding section of this act, and the inhabitants so met shall have power by the consent of a majority of those present to authorize the trustees for the purpose of building a school house or school houses in such district, to issue the bonds of the district in the corporate name of such district in such sums and in such amounts, and payable at such times as the said inhabitants so met may direct, with interest, at the rate of seven per cent. per annum, payable half yearly; which bonds shall be signed by the trustees of such district and attested by the clerk under the seal of the district, and the bonds so issued shall be a lien upon the property of the said district," be and the same is hereby amended so as to read as follows:

Amendment.

May authorize trustees to issue bonds.

87. It shall and may be lawful for the inhabitants of each district, when met in conformity to the provisions of the eighty-sixth section of this act, or at the call of the trustees, as provided in the eleventh division of the thirty-ninth section of this act; and the inhabitants so met shall have power by the consent of a majority of those present, to authorize the trustees for the purpose of purchasing land for school purposes, or for the purpose of building a school house or school houses in such district to issue bonds of the district in the corporate name of

such district in such sums and in such amounts, and payable at such times as the inhabitants so met may direct, with interest, at the rate of seven per cent. per annum, payable half yearly; which bonds shall be signed by the trustees of such district and attested by the clerk under the seal of the district; and the bonds so issued shall be a lien upon the property of the said district.

Bonds heretofore issued made valid and binding.

2. *And be it enacted,* That any and all bonds which have been heretofore issued by the trustees of any district in this State, the proceeds of which have been applied to school purposes in such district, and the issue of which bonds shall have been authorized by a majority of the inhabitants or legal voters present at any meeting, had in pursuance of the eighty-sixth section of the act to which this is a supplement, or at any meeting held at the call of the trustees of such district, and all proceedings in relation thereto, notwithstanding the provisions of the act to which this act is a supplement, have not been complied with, are hereby made valid and binding in all respects on the inhabitants and property of such district; the same as if such bonds had been issued and proceedings had, in compliance and conformity with all the provisions of said act, to which this is a supplement.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXX.

A Supplement to an act entitled "An act to provide for the organization of the New Jersey Home for Disabled Soldiers," approved April fourth, eighteen hundred and sixty-six.

Amount of additional appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in addition to the appropriation for the support of the home for disabled soldiers,

now authorized by law, the further sum of twenty thousand dollars is hereby appropriated for the object contemplated in the act to which this is a supplement.

2. *And be it enacted*, That the above sum shall be expended under the direction of the managers of said home, and the state treasurer is hereby authorized to pay the same for the purpose aforesaid to the treasurer of said home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated. How expended.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXXI.

An Act to authorize incorporated cities in the State of New Jersey to adjust and compromise certain past due taxes.

WHEREAS, Certain taxes heretofore levied within cities in this State, have been illegally assessed or made, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of said cities respectively, or any committee of said board of aldermen or common council, of not less than three in number, for that purpose by resolution appointed, to examine, revise, alter, adjust and compromise all or any such past due taxes in said cities respectively, the justness and legality of which may be disputed by any person or persons, or corporation; *provided, however*, that in all cities where there exists a board of finance and taxation, or commissioners of the sinking fund, that such board or commissioners, as the case may be, shall exercise said powers in lieu of said board of aldermen or common council; and in all cases the final action of such committee, board of Providing for adjustment of unpaid and past due taxes. Proviso.

finance and taxation or commissioners upon any case arising under this act shall, before the same shall become valid, be approved by the board of aldermen or common council of said cities respectively.

Proceedings on petition for relief.

2. *And be it enacted*, That any person or persons, or corporation, separately or collectively, aggrieved by any such past due taxes in any said city, may present to said board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund of said city in which such disputed past due tax exists, a petition, therein stating his or their objections to the same and praying for relief; and upon so presenting such petition the past due tax so objected to shall be considered to be disputed, so as to give any such board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, or any committee thereof, duly appointed by resolution of said board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, jurisdiction to revise, alter, adjust, and compromise the said past due tax as shall be equitable and just; and that every such past due tax which shall be so revised, altered, adjusted and compromised shall be final and conclusive between every such person or persons, or corporation, so objecting, and the city in which such past due tax shall be revised, altered, adjusted and compromised.

Proceedings to be signed by presiding officer and filed in the office where such proceedings are had.

3. *And be it enacted*, That the proceedings of every of the said board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, or the duly appointed committee thereof, shall be signed by the presiding officer of such board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, if had before them, or if before a committee thereof, as herein authorized, then by the said committee, or a majority of them, and filed in the office of the officer of the said city in which such proceedings shall be had, with whom such tax was filed before such revision; and when such proceedings shall be so filed, the said past due tax as revised, altered, adjusted and compromised, shall be and remain a lien upon the property on account of which said tax had been originally levied and assessed, and shall be collected in the manner provided for the collection of taxes

in said cities respectively; *provided, however*, that any person or persons, or corporation, desiring to have the benefit of this act shall file his or their petition or petitions therefor within six months from the date of the passage of this act; *provided, however*, that nothing in this act shall be held to alter or affect the rights or remedies at law or in equity of any person so petitioning, or of such city as they existed at the time of filing said petition, unless settlement shall be actually agreed to and effected; *provided, however*, that this act shall not apply to cities containing less than thirty thousand or more than one hundred thousand inhabitants. Proviso. Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXXII.

A Supplement to "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, eighteen hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the act to which this is a supplement, and which reads as follows, to wit:

"7. *And be it enacted*, That any of the said cities be and they are hereby authorized to borrow any sum not exceeding eighty thousand dollars, for the purpose of defraying all the expenses and the cost of the purchase of real estate, works and appurtenances of the said existing water company or companies, and of maintaining and extending the same, for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act, and for the purchase of materials, Recital of section to be amended.

the laying of pipes and mains in the said city, and constructing all works necessary to the full accomplishment thereof, and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing interest at the rate of seven per centum per annum, payable semi-annually; that the principal of said debt shall be payable at periods not less than ten nor more than thirty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but not less than their par value; that record of all said bonds so issued and disposed of shall be kept by the said treasurer, and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority of said common council, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city," be and the same is hereby amended so as to read as follows, to wit:

Amendment.

Amount which cities are authorized to borrow.

7. *And be it enacted*, That any of the said cities be and they are hereby authorized to borrow any sum not exceeding ten hundred thousand dollars, for the purpose of defraying all the expenses and the cost of the purchase of real estate, works, property, rights, franchises, privileges and appurtenances of the said existing water company or companies, and of maintaining and extending the same, and for the purpose of defraying all the expenses and the cost of such other lands, buildings or water privileges as shall be purchased or taken for the purposes of this act, and for the purchase of materials, the laying of pipes and mains in the said city, and constructing all works necessary for the full accomplishment thereof, and of all expenses incidental thereto, and to secure the payment thereof by issuing bonds not exceeding the amount aforesaid, under the seal of said city, and the signature of the mayor and other proper officers of said city, bearing interest at the rate not exceeding seven per centum per annum, payable semi-annually, and to pledge the property and credit of said city for the payment of

May issue bonds.

the same; that the principal of said debt shall be payable at periods not less than ten nor more than fifty years from date, and the treasurer of said city may dispose of the said bonds at either public or private sale for the best price that can be obtained, but at not less than their par value; that record of all said bonds so issued and disposed of shall be kept by the said treasurer, and all moneys received therefrom shall be deposited by said treasurer in any bank or banks to be designated from time to time by a majority of said board of aldermen or common council, and shall be drawn upon by said treasurer for the purposes of this act solely, and for none other, and only when said treasurer shall be so ordered by proper warrant or warrants issued by said board of aldermen, council or other legislative body of said city.

2. *And be it enacted*, That the eleventh section of the act to which this is a supplement, and which reads as follows, to wit:

"11. *And be it enacted*, That the board of aldermen, council, or other legislative body of said city, be and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street, road, lane, alley in said city in which any water pipe shall be laid by order of said common council, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner hereinbefore provided for, for the collection of water rents in arrears," be and the same is hereby amended so as to read as follows, to wit: Section to be amended recited.

11. *And be it enacted*, That the board of aldermen, common council, or other legislative body of said city, be and they are hereby authorized and empowered by ordinance to charge the owners of any and every building erected along the line of any street, road, lane or alley in said city, in which any water pipes are now laid, or shall hereafter be laid, by order of said board of aldermen or common council, and shall not have the water introduced on the premises, a water rent not exceeding the rent charged by said city for a single hydrant, and collect the same in the manner hereinbefore provided for, for the collection of water rents in arrears; and that the board of aldermen, common council, or other legislative body Amendment. Authorized to charge and collect water rents.

of said city, may from time to time fix by ordinance a sum to be assessed annually upon all vacant lots situated along the line of any street, road, lane or alley in said city in which any water pipes are now laid, or shall hereafter be laid, by order of said board of aldermen or common council, which sums so fixed and assessed shall be denominated water rents, and shall be collected in the manner hereinbefore provided for, for the collection of water rents.

3. *And be it enacted*, That the twelfth section of the act to which this is a supplement, and which reads as follows, to wit:

Section to be amended recited.

"12. *And be it enacted*, That such portions of the moneys received from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses for constructing and maintaining the works and raising and distributing the water, and salaries, wages and incidental expenses and charges, shall be applied by said body, first, to the payment of the interest upon the debt created for the construction of the works; and next, to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by commissioners of the sinking fund of the said city, if any there be, and if none, then by the said legislative body, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity," be and the same is hereby amended so as to read as follows, to wit:

Amendment.

Moneys received how applied.

12. *And be it enacted*, That such portions of the moneys received from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses and costs for purchasing water works, or for constructing and maintaining water works, and raising and distributing the water, and salaries, wages, and incidental expenses and charges, shall be applied by said body, first, to the payment of the interest upon the debt created for the purchase and construction of the works; and next, to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or, if that cannot be effected, then to be safely invested by commissioners of the sinking fund of the said city, if any there be, and if none, then by

the said legislative body, and allowed to remain as a sinking fund, to be applied to the repayment of the bonds at maturity.

Board of water commissioners authorized to act in cities where such boards exist.

4. *And be it enacted*, That whenever any water works owned and controlled by any city in this State shall be directly managed and conducted by any board of water commissioners, or other body authorized by law, then and in that case the said board of commissioners or other body shall have all the powers, rights and duties in respect to the management of said water works, and the assessment and collection of said water rents or taxes, which are by this act, or the act to which this is a supplement, conferred, or may be hereafter conferred upon the board of aldermen, council, or other legislative authority of such city.

Cities owning works under act heretofore passed to enjoy rights and privileges conferred by this act.

5. *And be it enacted*, That any city in this State owning and controlling water works under and by virtue of any act heretofore passed, may enjoy and exercise all the powers, rights and privileges conferred by this act, so far as the same may be applicable, and with no other limitations or restrictions than are herein contained and specified.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXXIII.

An Act providing for the adoption of children.

May adopt minor child or children and petition for change of name of child adopted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall and may be lawful for any person not married, or any husband with his wife's consent, or any wife with her husband's consent, or any husband and wife jointly, to petition the circuit court or the orphans' court of the county wherein he, she, or they may reside

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for permission to adopt any minor child or children; and also to petition for a change of name of such child or children; *provided*, that if such child or children be of the age of fourteen years or over the written consent of such child or children to such adoption, duly acknowledged, must be obtained and presented with the petition; and also the written consent of the parent or parents if living and not hopelessly intemperate or insane; if both parents should be dead, or unknown, or hopelessly intemperate or insane, or shall have abandoned the child or children sought to be adopted, then and in such case the written consent acknowledged as aforesaid must be obtained from the legal guardian of such child or children; and if there be no legal guardian, then such consent must be obtained from some discreet and suitable person appointed by the court to be the next friend of such child or children sought to be adopted.

Proviso.

Form of petition.

2. *And be it enacted*, That such petition shall specify the name, age and place of residence of the petitioner or petitioners and of the child or children, and the name or names by which the child or children shall be known; whether such child or children be possessed of any property and the full description of the property, if any; whether such child or children has or have either father or mother or both living; in case he, she or they are alive then the name or names and place of residence of such father and mother must be given, unless proven to be unknown to the petitioner or petitioners; the person or persons petitioning as aforesaid shall be at least fifteen years older than the child or children sought to be adopted, and the petition shall be duly verified according to law.

Court to hear petition and examine parties in interest.

3. *And be it enacted*, That upon the presentation of such petition to the court the same shall be ordered filed with the clerk of said court, and the court shall appoint a day for the hearing of said petition and the examination under oath of the parties in interest, not less than ten nor more than thirty days from the filing of the petition; and it shall be at the option of the court to adjourn the hearing of said petition or the examination of the parties in interest from time to time, as the nature of the case may require; and if it shall be necessary under the provisions of this act that a discreet and suitable person

shall be appointed as next friend to the child or children sought to be adopted, then and in that case the court shall order a notice of the petition and of the time and place when and where the appointment of next friend will be made, to be published in two newspapers circulating in the county where said court is located, once a week for three weeks successively; and at the time and place so assigned, and upon due proof of the publication of such notice, the court shall make such appointment, and shall thereupon assign a day for the hearing of said petition and examination of the parties in interest, not less than ten nor more than thirty days from the time of appointing the next friend; and upon the day so appointed, the court shall proceed to a full hearing of the petition and the examination of the parties in interest, under oath, with the right, as aforesaid, of adjourning the hearing and examination from time to time as the nature of the case may require; and if the court from the testimony shall be of the opinion that the facts stated in the petition are true, and if upon examination the court is satisfied that the petitioner or petitioners is or are of good moral character and of reputable standing in the community and of ability to properly maintain and educate the child or children sought to be adopted, having reference to the degree and condition in life of the child's or children's parents, and furthermore that the best interests of the child or children would be promoted by such adoption, then and in such a case the court shall make a decree reciting the facts at length and the name or names by which the child or children shall thereafter be known, declaring and adjudging that from the date of such decree the rights, duties, privileges and relations theretofore existing between the child or children and his or their parent or parents shall be in all respects at an end, excepting the right of inheritance; *and further*, that the rights, duties, privileges and relations between the child or children and his, her or their parent or parents by adoption shall thenceforth in all respects be the same, including the right of inheritance, as if the child or children had been born to such adopted parent or parents in lawful wedlock, except only as otherwise provided in this act.

Proceedings in case of the appointment of a next friend to the child or children sought to be adopted.

Court to make a decree.

Proceedings, etc., to be recorded and kept in the surrogate's office.

4. *And be it enacted*, That the petition, decree, testimony and proceedings shall be recorded at length in a book kept for that purpose and properly indexed; said book shall become part and parcel of the records of the surrogate's office of the county where said court is located, and the surrogate for recording the same shall receive the same fees as for the recording of a will; *provided, however*, if the said proceedings shall have been begun in the circuit court, and the decree made by said circuit court, then and in that case the petition, decree, testimony and proceedings shall be recorded at length and in manner and form as aforesaid, in the clerk's office of the county wherein said circuit court is located; and upon the entry of such decree of adoption the parents of the child, if living, shall be divested of all legal rights and obligations due from them to the child or children, or from the child or children to them; and the child or children shall be free from all legal obligations of obedience or otherwise to the parents; and the adopting parent or parents of the child or children shall be invested with every legal right in respect to obedience and maintenance on the part of the child or children as if said child or children had been born to them in lawful wedlock; and the child or children shall be invested with every legal right, privilege, obligation and relation in respect to education, maintenance and the rights of inheritance to real estate, or to the distribution in personal estate on the death of such adopting parent or parents as if born to them in lawful wedlock; *provided, always*, and said child or children shall not be capable of taking property expressly limited to the heirs of the body of the adopting parent or parents, nor property coming from the collateral kindred of such adopting parent or parents by right of representation; *and provided, also*, that on the death of the adopting parent or parents and the subsequent death of the child or children so adopted, without issue, the property of such adopting deceased parent or parents shall descend to and be distributed among the next of kin of said parent or parents and not to the next of kin of adopted child or children; *and provided, also*, that if such adopting parent or parents shall have other child or children, theirs by birth, then and in that case the adopted child or children shall share the inheritance with the child or

Proviso.

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Proviso.

children born to the adopting parent or parents, in which case he, she or they shall respectively inherit from and through each other as if all had been children of the same parents born in lawful wedlock.

5. *And be it enacted*, That all the expense of the aforesaid proceedings shall be borne by the petitioner or petitioners. Expense, how borne.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXXV.

An Act to authorize the formation of canal companies and to regulate the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons, not less than seven, may form a company for the purpose of constructing, maintaining and operating a canal for the purpose of transportation of goods, merchandise or passengers upon water; *provided, however*, that said canal shall not exceed three miles in length, and for that purpose may make and sign articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the places or points from and to which the said canal is to be constructed, and the name of the county or counties in this State through or in or into which it is made or intended to be made, the amount of capital stock of the company, which shall not be less than ten thousand dollars for every mile, or fraction thereof, of said canal constructed or proposed to be constructed, and the number of shares of which said capital stock shall consist, and the names and places of residence of seven directors of the company, a majority of whom shall be residents of this State, who shall manage its affairs for the first year and until others are chosen in Number of persons that may form a company. Proviso.

their places; each subscriber to said capital stock shall subscribe his name, place of residence and the number of shares of stock he agrees to take in said company; on compliance with the provisions of the next section and section five of this act, such articles of association may be filed in the office of the secretary of state, who shall endorse thereon the day they are filed, and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the secretary of state to be filed, the persons who have subscribed such articles of association shall be a corporation by the name specified in such articles of association; every corporation formed under this act in addition to the general powers set forth in an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five, shall have power:

May make surveys.

I. To cause such examination and surveys for its proposed canal to be made as may be necessary to the selection of the most advantageous route, and for such purposes by its officers and servants to enter upon the lands or waters of any person, but subject to responsibility for all damages which shall be done thereto;

May purchase and hold real estate.

II. To purchase, hold and use all such real estate and other property as may be necessary in the construction, operation and maintenance of said canal, necessary for the full and free enjoyment of said canal;

Construct canal.

III. To construct said canal, as hereby provided, and to take such land as may be necessary therefor within the limits hereinafter provided;

Charge tolls.

IV. To use and let to others to use said canal and to charge tolls.

Other necessary acts.

V. To do any other act necessary for the full and free use and enjoyment by any such canal company of the franchises hereby granted.

Certificate not to be filed with secretary of state until certain amount of stock is subscribed.

2. *And be it enacted*, That such articles of association shall not be filed and recorded in the office of the secretary of state until at least five thousand dollars of stock for every mile or fraction thereof of said canal proposed to be made is subscribed thereto, and ten per centum paid thereon in good faith and in cash, to the directors named in said articles of association, nor until there is endorsed thereon, or annexed thereto, an affidavit made by at least five of the directors named in said articles,

that the amount of stock required by this section has been in good faith subscribed, and ten per centum paid in cash thereon, as aforesaid.

Certified copy to be presumptive evidence.

3. *And be it enacted*, That a copy of any articles of association filed and recorded in pursuance of this act, or of the records thereof, with a copy of the affidavit aforesaid, endorsed thereon or annexed thereto, and certified to be a copy by the secretary of state, shall be presumptive evidence of the incorporation of such company, and of the facts therein stated.

Subscriptions to balance of capital stock may be received after articles of association are filed.

4. *And be it enacted*, That when such articles of association and affidavit, and such other prerequisites as may be hereinafter mentioned are filed and recorded in the office of the secretary of state, the directors named in said articles of association may, in case the whole of the capital stock is not before subscribed, continue to receive subscriptions until the whole capital stock is subscribed; at the time of subscribing every subscriber shall pay to the directors ten per centum on the amount subscribed by him in money, and no subscription shall be received or taken without such payment.

Election of directors.

5. *And be it enacted*, That there shall be a board of seven directors of every corporation formed under this act to manage its affairs; said directors shall be chosen annually by a majority of the votes of the stockholders, voting at such election in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected in their places; in the election of directors each stockholder shall be entitled to one vote for each share of stock held by him or her; vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation; the inspectors of the first election of directors shall be appointed by the board of directors named in the articles of association; no person shall be a director unless he shall be a stockholder owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen; at every election of directors the books and papers of such company shall be exhibited to the meeting; *provided*, a majority of the stockholders present shall require it.

Proviso.

Officers.

6. *And be it enacted*, That the directors shall appoint

one of their number president; they may also appoint a secretary and treasurer, and such other officers and agents as shall be prescribed by the by-laws, and shall establish and fix such salaries to them, and to the president, and secretary, and treasurer, as to the said board of directors shall appear proper.

Subscriptions to capital may be paid in installments.

7. *And be it enacted*, That the directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed in such manner and in such installments as they may deem proper; if any stockholder shall neglect to pay any installment as required by resolution of the board of directors, the said board shall be authorized to declare his stock and all previous payments thereon forfeited for the use of the company; but they shall not declare it so forfeited until they shall have caused a notice in writing to be served on him personally, or by depositing the same in the post office, properly directed to him at the post office nearest his usual place of residence, stating that he is required to make such payments at the time and place specified in said notice, and that if he fail to make the same his stock and all previous payments thereon will be forfeited for the use of the company, which notice shall be served as aforesaid at least thirty days previous to the day on which such payment is required to be made; *provided*, that if said company shall not declare such stock forfeited, then such neglecting stockholder shall be individually liable to said company for the amount unpaid upon the stock so held by him until the whole amount of the capital stock so held by him shall be paid to the company.

Proviso.

Stock transferable.

8. *And be it enacted*, That the stock of every company formed under this act shall be deemed personal estate, and be transferable in the manner prescribed by the by-laws of the company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in.

Capital stock may be increased.

9 *And be it enacted*, That in case the capital stock of any company formed under this act, is found to be insufficient for constructing and operating its canal, such company may, with the concurrence of two-thirds in amount of all its stockholders, increase its capital stock from time to time to any amount required for the pur-

pose of constructing, maintaining and operating its canal; such increase may be sanctioned by a vote in person or by proxy of two-thirds in amount of all the stockholders of the company, at a meeting of such stockholders called by the directors of the company for that purpose, by a notice in writing to each stockholder to be served on him personally or by depositing the same properly folded and directed to him at the post office nearest his usual place of residence, in the post office at least twenty days prior to such meeting; such notice must state the time and place of the meeting and its object, and the amount to which it is proposed to increase the capital stock; the proceedings of such meeting must be entered on the minutes of the proceedings of the company, and thereupon the capital stock of the company may be increased to the amount sanctioned by a vote of two-thirds in amount of all the stockholders of the company as aforesaid.

May enter upon lands, &c., for the purpose of exploring, surveying, &c.

10. *And be it enacted*, That any canal constructed under the provisions of this act shall not exceed one hundred feet in width; and it shall be lawful for said company, its agents, engineers, superintendents or others in its employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of said canal and of locating the same, doing no unnecessary injury to private or other property, and within such limitations as have been hereinbefore provided; and when the route or routes of such canal shall have been determined upon, and survey of such route or routes, location or locations deposited in the office of the secretary of state, then it shall be lawful for every corporation formed under this act, upon payment or tender of such compensation as is hereinafter provided, by its officers, agents, engineers, superintendent, workmen and other persons in their employ, to construct, maintain and operate a canal between the points named in the articles of association, commencing at or within and extending within, to or into any town or village named as the place of the termini of such canal, and for that purpose to enter upon, take possession of, have, hold, use, occupy, possess and enjoy, and to excavate and dig out any lands and dredge out any waters, and to erect embankments, bridges and all other necessary works, and to do all other things which may be suitable or necessary

for the completion, repairs or management of said canal; and the construction, completion, repairs and management of said works, buildings and structures hereinbefore mentioned, and for the conveyance of freight and passengers to and from the terminus of said canal, and on the land of said company adjacent to said canal by steam or other motive power; and for the construction, completion and repairs of such other works as may be hereinafter mentioned; and it shall be lawful for said company, its officers, agents, engineers, superintendents, workmen and other persons in their employ at any time to enter upon and take possession of, have, hold, use and occupy all and singular such waters and streams as may be useful for said canal, subject to such compensation as is hereinafter directed; *provided, however*, that no property now used by canals already constructed and in operation in this State shall be taken, nor shall any canal be cut into or in any way interfered with, unless the consent of the companies by whom said canals are maintained and operated shall be first had and obtained; *and provided, also*, that the payment or tender of payment of all damages for the occupancy of all lands, whether covered by water or not, through, under or upon which the said canal and its conveniences, appurtenances, appendages, works and structures adjacent to said canal may be laid out or located or constructed, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said canal and its conveniences, appurtenances and appendages, and the works and structures on lands of the company adjacent to said canal, and of locating the same unless the consent of the owner or owners of such land be first had and obtained.

Proviso.

Proviso.

Proceedings when company and owners cannot agree.

11. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company shall be given in writing, under the oath or affirmation of some engineer, or proper agent of the company, and also the

name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this State, who shall cause the said company to give notice thereof to the person interested, if known, and in this State, or if unknown, or out of this State, to make publication thereof, as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the publication or service of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the land or materials, and to award the damages upon such notice to be given to the person interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and in case of the refusal or inability to act, of either of the commissioners so appointed, the said justice may appoint another without further notice; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the said company for such lands or materials, and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situated, to remain on record therein; which report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of

the right of the said company to have, hold, use, occupy, possess, and enjoy the said lands or materials, or of the said owner or owners to recover the amounts of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after the demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the other, tax and allow such costs, fees, and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they shall think equitable and right, which shall be paid by said company.

Proceedings in case company or owners are dissatisfied.

12. *And be it enacted*, That in case the said company or the owner or owners of the said lands or materials shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or material to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said lands or materials and damages sustained; and if they shall find a greater sum than the commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the court

shall direct; but such application shall not prevent the company from taking the said land or materials upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owners thereof being under any legal disability, the same being first paid into the court of chancery.

Bridges to be constructed and kept in repair.

13. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges and passages over or under the said canal, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby; and also where the said canal shall intersect any farm lands of any individual, to provide and keep in repair suitable wagon ways over or under the said canal, but the canal company may decline to build bridges to connect any farm lands cut by said canal, in which event a justice of the supreme court may appoint commissioners to assess the damages to the owner of said land, as provided in section fourteen of this act.

May borrow money and issue bonds.

14. *And be it enacted*, That any company incorporated under this act shall have power to borrow such sum or sums of money, from time to time, not to exceed in the whole its paid up capital stock, as shall be necessary to build, construct and repair their canal, and the works and structures on the lands adjacent to said canal, and to secure the payment thereof by the execution, negotiation, and sale of any bond or bonds, and secured by mortgage on said lands, privileges, franchises and appurtenances of and belonging to the said company; *provided*, that said bonds shall constitute a lien on the canal, its real estate and franchises, and the proceeds of said bonds shall be used for the purposes above specified.

Proviso.

May make contracts and agreements with other corporations.

15. *And be it enacted*, That it shall be lawful for the said canal company, at any time during the period named in its articles of association for the continuance of the same, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contract.

16. *And be it enacted*, That any company incorporated

May purchase and construct boats, &c., and necessary machinery.

under this act shall have power to have constructed or to purchase with the funds of the company all boats, machinery and other property necessary for the business to be carried on upon, and upon the lands adjacent to the said canal, and any such company shall be authorized to demand and receive such sums of money for the transportation of persons and property on its said lands and canal, and for any other services connected with its business of transportation, as it shall from time to time think reasonable and proper; and the said canal, with the appendages and appurtenances to said canal, and the lands over and on which the same shall be constructed, and all works, and structures, and improvements, and all other property whatsoever belonging to the company, shall be and are hereby declared to be vested in the said company and its successors assigns, for and during the continuance of the time limited by its articles of association for the continuance of said company, and any extension of said time which may hereafter be granted.

Dividends.

17. *And be it enacted*, That the president and directors of any company incorporated under this act shall declare and make such dividends as they may deem prudent and proper from time to time out of the net profits of the said canal and its appendages and appurtenances, and the works, structures and improvements adjacent to said canal and on the property of the said company.

Statement of the costs and expenses to be made.

18. *And be it enacted*, That as soon as any canal or any part thereof is in operation, the president of said company shall file, under oath or affirmation, a statement of the cost of the said canal, including equipments and all expenses, in the office of the comptroller of the state, and annually thereafter, on the first Tuesday in January of each year, he shall, under oath or affirmation, make a statement to the comptroller of the state of the cost, equipment, appendages and expenses of said canal, and after the said canal, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said canal.

State tax.

Roads may cross over or under canal.

19. *And be it enacted*, That whenever the route of said canal shall cross a highway, turnpike or plank road, such

highway, turnpike or plank road may be, by said company, carried over or under the canal, as may be found most expedient.

20. *And be it enacted,* That the provisions of this bill shall not be construed as authorizing the construction of any canal within the limits of any incorporated city. How constructed.

21. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXXVI.

An Act respecting the awards of commissioners in cases of land and real estate taken or condemned by law, and appeals therefrom.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in all cases, when it is provided by any act of incorporation or law of this State, that any owner of real estate, land or materials taken in pursuance of such act or law, may appeal from the decision or judgment of commissioners appointed under such act or law to the court of common pleas in the county where the lands lies, such appeal hereafter may be taken by either party and shall be made to the circuit court of such county, reserving to either party the right of trial by jury in such court; and the decision of the said circuit court in the premises shall be binding and conclusive in the same manner as prescribed in the acts or laws aforesaid in cases of the decisions of the court of common pleas. Appeal may be taken by either party and shall be made to the circuit court of the county.

2. *And be it enacted,* That whenever it shall appear to the chancellor that the lands taken pursuant to any law or act aforesaid are encumbered by any mortgage, judgment or other lien of any kind, the money awarded to the owner or owners of said lands may, by the order of the chancellor, be paid into the court of chancery, and Chancellor may order money to be paid into the court of chancery.

shall there be distributed according to law, and written notice given to such owner or owners that such money has been so paid into court, shall have the same effect as if the money so awarded had been actually tendered to the owner or owners aforesaid.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXXVII.

A Supplement to the act entitled "An act regulating proceedings in criminal cases" (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the ninetieth section of the act to which this is a supplement, and which as amended by the act entitled "An act to amend certain errors in the revised laws passed last session," (which act was passed April ninth, eighteen hundred and seventy-five) is in these words:

Section to be repealed recited.

"90. *And be it enacted,* That the two hundred and forty-second, the two hundred and forty-third, the two hundred and forty-fourth, the two hundred and forty-fifth, the two hundred and forty-sixth sections of the act entitled 'An act to regulate the practice of courts of law,' shall be deemed, taken and adjudged to extend to trials of indictments for crimes and misdemeanors, which by law are punishable by imprisonment at hard labor," be and the same is hereby repealed.

2. *And be it enacted,* That the ninety-first section of the act to which this is a supplement, and which as amended by said act of April ninth, eighteen hundred and seventy-five, now reads as follows:

Section to be amended recited.

"91. *And be it enacted,* That if on the trial of any indictment heretofore had in any court in this State, for any crime or misdemeanor included within the provisions of the next preceding section of this act, any ex-

ception hath been taken or had to any decision of the court during the trial of such indictment, to the prejudice or injury of any defendant in the same indictment, it shall be the duty of the judge to settle a bill of the said exceptions, and to sign and seal the same bill, when two counsellors at law shall have certified the said exceptions to have been well taken, to the end that the same be returned with a writ of error to the court having cognizance thereof, and to the end that speedy justice may be done," shall be and the same is hereby amended so that it shall be enacted and read as follows:

Amendment.

Judge to settle and sign and seal bill of exceptions.

91. *And be it enacted*, That if on the trial of any indictment in any court of this State, for any crime or misdemeanor, any exception shall be taken to any decision of the court during the trial of such indictment, to the prejudice or injury of any defendant in the same indictment, it shall be the duty of the judge to settle a bill of such exceptions, and to sign and seal the same bill, to the end that the same be returned with a writ of error to the court having cognizance thereof, and to the end that speedy justice may be done.

Proceedings when the judge or judges of the court shall have died without sealing the bill of exceptions.

3. *And be it enacted*, That when such exceptions shall have been taken and the judge or judges of the court aforesaid shall have died without having sealed the same, the cause shall be heard in the court to which the writ of error is returnable, upon such exceptions being stated and agreed to in writing by the attorney-general or prosecutor of the pleas on the one side, and the attorney of the defendant on the other; or if such attorneys cannot agree thereto, the said exceptions shall be settled and sealed on five days' notice by any justice of the supreme court, as the same shall be found by him to have been in fact taken, and shall be returned with the writ of error.

Bill of exceptions. What to contain.

4. *And be it enacted*, That the bill of exceptions taken under this act shall contain only so much of the evidence as may be necessary to present the questions of law upon which exceptions were taken at the trial. and it shall be the duty of the court or judge upon the settlement of the bill to strike out of the same all the evidence and other matters which shall not have been necessarily inserted.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXXVIII.

A Supplement to an act entitled "An act constituting the court for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Holder of note or bill of exchange may include all parties in one action.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the holder of any bill of exchange or promissory note, instead of bringing separate actions against the parties separately liable thereon, may include all or any of them in one action, and proceed to judgment and execution in the same manner as though all the defendants were joint contractors, subject, however, to the qualifications hereinafter provided.

Copy of bill or note to be annexed to the state of demand.

2. *And be it enacted*, That in every such action the plaintiff shall annex to the state of demand a notice containing a copy of the bill or note with the endorsements, and stating that the action is brought to recover the amount due thereon; but he shall not recover judgment against any several drawer, maker, endorser or acceptor not served with process, and any joint drawer, maker, endorser or acceptor may prove in abatement the non-joinder of any other joint drawer, maker, endorser or acceptor; but judgment may be obtained against joint contractors, some only of whom have been served with process, and such judgment shall have the same effect against the joint contractors as heretofore.

Judgment may be rendered against one or more of the defendants.

3. *And be it enacted*, That in any such action judgment may be rendered for the plaintiff against some one or more of the defendants, and also in favor of some one or more of the defendants, against the plaintiff, according as the rights and liabilities of the respective parties shall appear, either upon confession, default or on trial; and any person sued shall be entitled to set off his demands against the plaintiff in the same manner as though such defendant had been sued in the form heretofore

used; and when judgment shall be rendered in favor of any defendant, he shall recover his costs against the plaintiff in the same manner as though judgment had been rendered for all the defendants. Costs to be allowed in case of set-off.

4. *And be it enacted*, That if upon the trial of any such action, the whole amount of the set-off allowed shall equal or exceed the amount allowed to the plaintiff, then in the first case the verdict shall be in favor of the defendants generally, and in the last case for the excess; and in all cases the verdict shall certify the amount allowed to each defendant as a set-off. Verdict shall certify amount of set-off allowed.

5. *And be it enacted*, That the rights and responsibilities of the several parties to any such bill or note, as between each other, shall remain as heretofore, saving only the rights of the plaintiff so far as they may have been determined by the judgment; and any one or more of the defendants shall be entitled to the testimony of any co-defendant as a witness in all cases where he or they would be entitled to his testimony had the suit been brought in the form heretofore used; and the plaintiff shall be entitled to the testimony of any defendant as a witness in all cases where he would be entitled to his testimony against the other parties to the bill or note, had the suit been brought in the form heretofore used. Rights, &c., of the several parties, as between each other, shall remain as heretofore.

6. *And be it enacted*, That whenever an execution against goods and chattels shall issue in any such action upon a bill or note, as is hereinbefore provided, it shall be the duty of the constable, after making a levy upon the property liable to the execution, to make the money out of the property of the person or persons principally liable, as between themselves, for its payment, if it can be done before selling the property of the person or persons secondarily liable; and for the information of such officer it shall be the duty of the justice to endorse on the execution the order in which the defendants, according to the terms of the bill or note, are liable, as between themselves for its payment, and if the judgment be paid by a defendant or defendants secondarily liable, as between themselves, it shall not be considered satisfied as against the defendant or defendants liable over on the bill or note to the defendant making such payment, but he shall have (on application to the said justice, giving two days' notice thereof to the other parties to the judg- Constable after levy to make the money out of the property of the person or persons principally liable.

ment, and subject to such regulations as may be imposed), the full benefit and control of such judgment for the purpose of compelling repayment from the defendant or defendants liable to him for such repayment, and on this application the said justice may order an issue to try the question in controversy.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER LXXXIX.

A Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and ninety-one of an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four, which section is as follows, to wit:

Section to be amended recited.

"If two or more persons shall combine, unite, confederate, conspire or bind themselves by oath, covenant, agreement or other alliance to commit any offence, or falsely and maliciously to indict another for any offence, or to procure another to be charged or arrested for any such offence, or falsely to move and maintain any suit, or to cheat and defraud any person of any property by any means which are in themselves criminal, or to cheat and defraud any person of any property by any means which, if executed, would amount to a cheat, or to obtain money by false pretences, or to commit any act injurious to the public health, to public morals, or to trade or commerce, or for the perversion or obstruction of justice, or the due administration of the laws, they shall, on conviction, be deemed guilty of a conspiracy, and shall be pun-

ished by imprisonment at hard labor not exceeding two years, or by a fine not exceeding five hundred dollars, or both, but no agreement to commit any offence other than murder, manslaughter, sodomy, rape, arson, burglary or robbery, shall be deemed a conspiracy, unless some act in execution of such agreement be done to effect the object thereof by one or more of the parties to such agreement;" be amended by adding to the section aforesaid the following, to wit:

Amendment.

Provided, that nothing in this section shall be construed to apply to any person or persons lawfully and by peaceful means persuading, advising or encouraging other persons to enter into any combination for or against leaving or entering into the employment of other persons.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XC.

An Act concerning cities.

Justice of the supreme court holding the circuit court shall appoint referee in case work or materials were not duly advertised and contracted for.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in case any work has been done or materials furnished in or for the erection or construction of any building or buildings, or any excavation therefor, or any addition, alteration or repair of any building or buildings, for or on account of any city in said State, and such work or materials were not duly advertised and contracted for in the manner prescribed by law, then the justice of the supreme court holding the circuit court for the county in which such city shall be situated, shall appoint a referee who, if it appears to his satisfaction, that such work and materials were furnished in good faith, and without any intention to evade the law, by the order of any lawfully constituted board in

such city, or by the architect, superintendent or other person having charge of the work on any such building or buildings, shall order paid to the person or persons who may have done or furnished the same, such sum of money in payment thereof as shall be just and reasonable; and the money so ordered to be paid shall upon confirmation of the report of said referee by said judge, and approval of such report by a resolution of the board of finance of said city, or finance department, adopted for that purpose, and approval of such resolution by the mayor of said city, be paid by said city in like manner as if due advertisement and contract had been made in the premises.

Money to be paid on confirmation of report of referee.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XCI.

A Further Supplement to an act entitled "An act to provide for the compilation and publication of an index of all the public laws of this State," approved April third, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the first section of the supplement to the act to which this is a further supplement, approved April thirteenth, one thousand eight hundred and seventy-six, which reads as follows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That John Hood, of Camden, be and he is hereby authorized to compile and publish a complete index of the public and private laws of this State, including those passed by the colonial government, so far as the same can be ascertained in the state library and office of the secretary of state, to be arranged and

printed in the same manner, as near as may be, to the general index of the laws of the state of New York, prepared by T. S. Gillett, and published at Albany, in eighteen hundred and fifty-nine, except that the colonial laws may be arranged chronologically apart from the other laws; said work to be done under the supervision and subject to the approval of the chief justice of the supreme court, and the state treasurer shall be and is hereby authorized to pay to said John Hood the additional sum of three dollars per copy for the copies to be by him purchased as in said act directed," be amended so as to read as follows:

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Hood, of Camden, be and he is hereby authorized to compile and publish a complete index of the public and private laws of this State, including those passed by the colonial government, so far as the same can be ascertained in the state library and office of the secretary of state; to be arranged and printed in the same manner, as near as may be, to the general index of the laws of the state of New York, prepared by T. S. Gillett, and published at Albany, in one thousand eight hundred and fifty-nine, except that the colonial laws may be arranged chronologically apart from the other laws; and the state treasurer shall be and is hereby authorized to pay to said John Hood the additional sum of three dollars per copy for the copies to be by him purchased as in said act directed.

Additional sum to be paid per copy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XCII.

A Supplement to an act entitled "An act concerning the sale of railroads, canals, turnpikes, bridges and plank roads," approved March twenty-fifth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one, chapter two hundred and thirty-five of the laws of one thousand eight hundred and seventy-five, which reads:

Section to be amended recited.

"That whenever any railroad, canal, turnpike, bridge, plank road of any corporation created by or under any law of this State, shall be sold and conveyed, under and by virtue of any process or decree of any court of this State, or of the United States, or of any power or authority duly granted or conferred in and by any mortgage or deed in the nature thereof, the person or persons for or on whose account such railroad, canal, turnpike or plank road may be purchased shall be and are hereby constituted a body politic and corporate, and shall be vested with all the right, title, interest, property, possession, claim and demand in law and equity, of, in and to such railroad, canal, turnpike, bridge or plank road, with its appurtenances, with all the rights, powers, immunities, privileges and franchises of the said corporations, which may have been granted to or conferred thereupon by statute or statutes, in force at the time of such sale and conveyance, and subject to all the restrictions imposed upon such corporation by any such act or acts, except so far as the same are modified hereby," be and the same is hereby amended so as to read as follows:

Amendment.

Purchasers to be constituted a body corporate.

That whenever any railroad, canal, turnpike, bridge, plank road of any corporation created by or under any law of this State, shall be or has been sold and conveyed, under and by virtue of any process or decree of any court of this State, or the United States, or of any power or

authority duly granted or conferred in and by any mortgage or deed in the nature thereof, the person or persons for or on whose account such railroad, canal, turnpike or plank road may be purchased, shall and are hereby constituted a body politic and corporate, and shall be vested with all the right, title, interest, property, possession claim and demand in law and equity, of, in and to such railroad, canal, turnpike, bridge or plank road with its appurtenances, with all the rights, powers, immunities, privileges and franchises of the said corporation which may have been granted to or conferred thereupon by statute or statutes, in force at the time of such sale and conveyance, and subject to all the restrictions imposed upon such corporation by any such act or acts, except so far as the same are modified hereby, but the provisions of this act shall, notwithstanding anything therein contained to the contrary, extend and apply to any case in which a railroad, canal, turnpike, bridge or plank road or any corporation created by or under any law of this State has been sold and conveyed before the passage of this act in the manner hereinbefore described.

2. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 9, 1877.

CHAPTER XCIII.

An Act to provide for stocking the lakes, ponds and streams of this state with food fishes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five thousand dollars be and the same is hereby appropriated to be used in the hatching and propagation of shad, and in stocking the lakes, ponds and streams of this state with food fishes. Amount of appropriation.

How expended.

2. *And be it enacted*, That said sum shall be expended under the directions, and drawn upon the requisition of the commissioners of fisheries of this state.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XCIV.

A Supplement to an act entitled "An act to incorporate trustees of religious societies" (revision), approved April ninth, one thousand eight hundred and seventy-five.

Number of vestrymen may be increased or decreased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any congregation of the protestant episcopal church in this State, which shall have become incorporated in accordance with the provisions of the act to which this is a supplement, and shall have filed a certificate thereof, therein stating the number of vestrymen to be elected for such congregation as required by section thirty of said act, shall be desirous of increasing or decreasing the number of said vestrymen, it shall be lawful for said congregation to do so by a majority vote of those present at any annual election, notice of such contemplated action having been given for the time, and in the manner designated in section twenty-nine of said act; *provided*, that no church shall have more than ten nor less than five vestrymen; a certificate of the proceedings of the meeting and of such change, under the hands and seals of the president and secretary shall be transmitted to the clerk of the court of common pleas of the county for record, and shall thereafter be considered a part of the act of incorporation of such congregation.

Proviso.

2. *And be it enacted*, That any property, rights, or es-

tates heretofore acquired by any such corporation shall be in no wise changed, diminished or defeated by such increase or decrease in the number of its vestrymen. Property, rights or estates not changed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XCV.

A Supplement to an act entitled "An act respecting recognizances," approved April sixth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon satisfactory proof before any court where any recognizance shall be taken, that the conditions thereof have been fully complied with, it shall be the duty of the said court to order the clerk thereof to enter the same "discharged," in the book kept by the clerk for that purpose. Court to order entry of discharge of recognizances.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XCVI.

An Act respecting reports of boards having the control and management of public schools in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city containing

Reports to be made in the month next succeeding termination of fiscal year.

a board of directors of education or other board having the control and management of the public schools in such city, annual reports concerning the condition of the public schools in such city are now required by law to be published in the month of August of each and every year, said reports shall hereafter be made in the month next succeeding the termination of each and every fiscal year of said city, and shall be reports for the said fiscal year terminated immediately preceding the month in which said reports are by this act directed to be published.

Repealer.

2. *And be it enacted,* That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XCVII.

An Act to authorize cities to issue bonds to fund obligations incurred for street improvements.

Issue of street improvement bonds authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for the governing body of any city in this State to issue bonds of the said city, under the signature of the mayor and city clerk, and with the corporate seal affixed, and countersigned by the proper financial officer of said city, to be styled "street improvement bonds," the aggregate amount of which said bonds shall not at any time exceed two per centum of the amount of the assessed taxable valuation of the said city for the preceding year; the said bonds to be issued in such sums, payable at such time or times, not longer than ten years, and bearing interest, payable semi-annually, at a rate not exceeding seven per centum per

annum, as the governing body of such city shall by ordinance prescribe.

2. *And be it enacted*, That the proceeds of the said bonds shall be appropriated only to the payment and cancellation of indebtedness incurred by such cities for street improvements, and all moneys received as principal and interest on account of assessments for any street improvement for which such bonds are issued, are hereby pledged and appropriated for the payment of the principal and interest of the bonds hereby authorized to be issued; in cities where there are commissioners of the sinking fund then they shall be pledged and appropriated to the said commissioners for the said purpose. Proceeds, how appropriated.

3. *And be it enacted*, That it shall be the duty of the said commissioners of the sinking fund in any such city to pay the interest on the above mentioned bonds, as the same shall fall due, and all surplus money that may come into their hands above the amount needed to pay the interest as aforesaid, shall be safely invested by them and applied to the payment of the said bonds as they shall fall due; and in any city where no commissioners of the sinking fund are in existence, the governing body of such city may perform the duties hereby prescribed for such commissioners, or may designate by ordinance a board to perform such duties, and may appoint by resolution the members of such board; *provided, however*, that this act shall not apply or effect cities of this State having upwards of seven thousand inhabitants. Payment of interest. Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XCVIII.

An Act to prevent fraud in the manufacture and sale of commercial fertilizers.

Trade mark to be affixed to bag, barrel or parcel.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That commercial manures or fertilizers sold or kept for sale in the state of New Jersey shall have affixed to every bag, barrel or parcel thereof which may contain fifty pounds or upwards, a special printed name or trade mark, by which the same may be known or designated, with the name and place of business of the manufacturer or importer, together with a true specification of the guaranteed percentages of phosphoric acid soluble in water, total phosphoric acid, nitrogen and potash contained in the contents of the package, and also the quantity of the fertilizer contained in said package, and the date of its manufacture or importation.

Penalty for violation.

2. *And be it enacted*, That any manufacturer, importer or dealer, who shall sell any such package or packages without such stamp, impress or card affixed thereto, as is provided in section one of this act, or who shall sell any such package or packages with a false or untruthful stamp, impress or card affixed thereto, shall forfeit five dollars for each and every one hundred pounds thus sold in violation of the first section of this act, the same to be sued for and recovered by and in the name of the purchaser or purchasers of said package or packages to be used for his or their own benefit.

Not to apply.

3. *And be it enacted*, That the provisions of this act shall not apply to any manure sold at a price not exceeding one-half a cent per pound.

When to go into effect.

4. *And be it enacted*, That this act shall go into effect on the first day of July, one thousand eight hundred and seventy-seven.

Approved March 9, 1877.

CHAPTER C.

An Act to amend an act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building" (revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the eleventh section of the act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building" (revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, and which is as follows:

Section to be amended recited.

"11. That every person intending to claim a lien upon any building or lands by virtue of this act, shall within one year after the labor is performed, or the materials furnished for which such lien is claimed, file his claim in the office of the clerk in the county where such building is situate, which claim shall contain these matters:

"I. A description of the building, and of the lot or curtilage upon which the lien is claimed, and of its situation, sufficient to identify the same;

"II. The name of the owner or owners of land or of the estate therein on which the lien is claimed;

"III. The name of the person who contracted the debt, or for whom, or at whose request the labor was performed or the materials furnished, for which such lien is claimed, who shall be deemed the builder;

"IV. A bill of particulars exhibiting the amount and kind of labor performed and of materials furnished, and the prices at which and times when the same was performed and furnished, and giving credit for all the payments made thereupon, and deductions that ought to be made therefrom, and exhibiting the balance justly due to such claimant, which statement, when the work or

materials, or both, are furnished by contract, need not state the particulars of such labor or materials, further than by stating generally that certain work therein stated was done by contract, at a price mentioned; and such bill of particulars and statements shall be verified by the oath of the claimant or his agent in said matter, setting forth that the same, if for labor done or materials furnished in the erection of the building in such claim described, at the times therein specified, and that the amount as claimed therein is justly due; and when such claim shall not be filed, in the manner or within the time aforesaid, or if the bill of particulars shall contain any wilful or fraudulent misstatement of the matters above directed to be inserted therein, the building or lands shall be free from all lien for the matters in such claim," be amended so as to read as follows:

Amendment.

11. That every person intending to claim a lien upon any building or lands by virtue of this act, shall, within one year after the labor is performed or the materials furnished for which such lien is claimed, file his claim in the office of the clerk in the county where such building is situate, which claim shall contain these matters:

Lien claim to contain description of building.

I. A description of the building and of the lot or curtilage upon which the lien is claimed, and of its situation sufficient to identify the same;

Name of owners.

II. The name of the owner or owners of the estate therein on which the lien is claimed;

Name of person who contracted the debt.

III. The name of the person who contracted the debt, or for whom or at whose request the labor was performed or the materials furnished for which such lien is claimed, who shall be deemed the builder;

Statement of time of commencement of building.

IV. In claims hereafter filed a true statement of the time of the commencement of the building for which said lien is claimed, the statement of which shall be conclusive as against the claimant;

Bill of particulars.

V. A bill of particulars, exhibiting the amount and kind of labor performed and of materials furnished, and the prices at which and times when the same was performed and furnished, and giving credit for all payments made thereupon, and deductions that ought to be made therefrom, and exhibiting the balance justly due to such claimant, which statement, when the work or materials, or both, are furnished by contract, need not state the

particulars of such labor or materials further than by stating generally that certain work therein stated was done by contract at a price mentioned, and such bill of particulars and statements shall be verified by the oath of the claimant or his agent in said matter, setting forth that the same is for labor done or materials furnished in the erection of the building in such claim described at the times therein specified, that the commencement of the building was at the time therein stated, and that the amount as claimed therein is justly due; and when such claim shall not be filed in the manner or within the time aforesaid, or if the time of the commencement of the building shall be wilfully or fraudulently misstated, or if the bill of particulars shall contain any wilful or fraudulent misstatement of the matters above directed to be inserted therein, the building or lands shall be free from all lien for the matters in such claim.

Approved March 9, 1877.

CHAPTER CI.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," which reads as follows:

"That any number of persons, not less than thirteen, may form a company for the purpose of construction, maintaining and operating a railroad for public use in the conveyance of persons and property, or for the purpose of maintaining and operating any unincorporated

Section to be amended recited.

railroad already constructed for the like public use, and for that purpose may make and sign articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the places from and to which the road is to be constructed, or maintained and operated, the length of such road as near as may be, and the name of each county in this state through or into which it is made or intended to be made, the amount of the capital stock of the company, which shall not be less than ten thousand dollars for every mile of road constructed or proposed to be constructed, and the number of shares of which said capital stock shall consist, and the names and places of residence of thirteen directors of the company, a majority of whom shall be residents of this state, who shall manage its affairs for the first year, and until others are chosen in their places; each subscriber to such articles of association shall subscribe thereto his name, place of residence, and the number of shares of stock he agrees to take in said company; on compliance with the provisions of the next section, such articles of association may be filed, and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the secretary of state to be filed, the persons who shall become stockholders in such company shall be a corporation by the name specified in such articles of association; every corporation formed under this act, in addition to the general powers set forth in an act entitled 'An act concerning corporations,' approved February fourteenth, one thousand eight hundred and forty-six, and several supplements thereto, shall have power:

Recital continued.

"I. To cause such examination and surveys for its proposed railroad to be made as may be necessary to the selection of the most advantageous route, and for such purpose by its officers and servants to enter upon the lands or waters of any person, but subject to responsibility for all damages which shall be done thereto;

Recital continued.

"II. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railroad, but the real estate received as a voluntary grant

shall be held and used for the purpose of such grant only;

"III. To purchase, hold and use all such real estate or other property as may be necessary for the construction and maintenance of its railroad, and the stations and other accommodations necessary to accomplish the object of its incorporation; Recital continued.

"IV. To lay out its road as hereby provided, and to construct the same, and for the purpose of cuttings and embankments, to take as much more land as may be necessary for the proper construction and security for the road; Recital continued.

"V. To exercise all other powers hereby granted;" be amended so that same shall read as follows:

That any number of persons not less than seven, in case where the proposed road is less than ten miles in length, and not less than thirteen in case where the proposed road is ten miles or more in length, may form a company for the purpose of constructing, maintaining and operating a railroad for the public use in the conveyance of persons and property, or for the purpose of maintaining and operating any unincorporated railroad already constructed for the like public use; and for that purpose may make and sign articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the places from and to which the road is to be constructed or maintained and operated, the length of such road as near as may be, and the name of each county in this state through or into which it is made, or intended to be made; the amount of the capital stock of the company, which shall not be less than ten thousand dollars for every mile of road constructed or proposed to be constructed, and the number of shares of which said capital stock shall consist, and the names and places of residence of seven directors of the company, in cases where said road is less than ten miles in length, and the names and places of residence of thirteen directors of the company, in cases where said road is ten miles or more in length, a majority of whom shall be residents of this state, who shall manage its affairs for the first year, and until others are chosen in their places; each subscriber to such articles of association, shall subscribe thereto his place of residence, Amendment. Number of persons who may form a company to be not less than seven nor more than thirteen. Capital stock. Majority of directors to be residents of this state.

Articles of association to be filed in office of secretary of state.

and the number of shares of stock he agrees to take in said company; on compliance with the provisions of the next section, such articles of association may be filed in the office of the secretary of state, who shall endorse thereon the day they are filed, and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the secretary of state to be filed, the persons who have so subscribed such articles of association, and all persons who shall become stockholders in such company, shall be a corporation by the name specified in such articles of association; every corporation formed under this act, in addition to the general powers set forth in an act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty six, and the several supplements thereto, shall have power:

General powers.

May enter upon lands.

I. To cause such examination and surveys for its proposed railroad, to be made as may be necessary to the selection of the most advantageous route, and for such purpose by its officers and servants to enter upon the lands or waters of any person, but subject to responsibility for all damages which shall be done thereto.

Receive grants of real estate.

II. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railroad, but the real estate received as a voluntary grant, shall be held and used for the purpose of such grant only.

Purchase and hold real estate.

III. To purchase, hold and use all such real estate or other property as may be necessary for the construction and maintenance of its railroad, and the stations and other accommodations necessary to accomplish the object of its incorporation.

Lay out and construct road.

IV. To lay out its road as hereby provided and to construct the same, and for the purposes of cuttings and embankments to take as much more land as may be necessary for the proper construction and security for the road.

V. To exercise all other powers hereby granted.

Approved March 9, 1877.

CHAPTER CII.

An Act for the regulation of salaries of City Treasurers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where by the act of incorporation of any city, or any supplement thereto, the salary or compensation of the city treasurer shall be fixed at the sum of five hundred dollars, it shall be lawful for the mayor and council or board of aldermen to fix by resolution the salary or compensation of said treasurer; *provided*, the same shall not exceed the sum of two thousand five hundred dollars; *and provided, further*, that the salary or compensation of such city treasurer which has been so fixed as aforesaid, shall not be increased during the continuance of the term of office of such treasurer. Compensation of treasurer. Proviso. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CIII.

An Act to provide for the incorporation of associations for the erection and maintenance of hospitals, infirmaries, orphanages, asylums, and other charitable institutions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any three or more persons of full age, a majority of whom shall be citizens of and residents within this State, who shall desire to associate Number of persons who may make certificate of association.

themselves together for the purpose of the care, cure, nurture or maintenance of sick, injured, infirm, aged, indigent, deaf, dumb, blind, idiotic, or insane persons or of orphans, half orphans or destitute children, or for any two or more of such purposes combined, may make, record and file a certificate, in writing, in manner hereinafter mentioned.

Form of certificate.

2. *And be it enacted,* That such certificate in writing shall set forth—

I. The name or title assumed to designate such association.

II. The place or places in this State where the purposes of such association are to be carried out.

III. The purposes for which the association shall be formed.

IV. The names of the governors or directors who shall manage its affairs for the first year of its existence.

Certificate to be proved, acknowledged and recorded.

3. *And be it enacted,* That such certificate shall be proved, or acknowledged and recorded, as required of deeds of real estate, in a book to be kept for the recording of certificates of incorporation, in the office of the clerk of the county where the principal purposes of such association are to be carried out, and after being so recorded shall be filed in the office of the secretary of state; the said certificate or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places.

To become a body politic and corporate on filing cercate.

4. *And be it enacted,* That upon making such certificate and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall, by virtue of this act, be a body politic and corporate, in fact and in law, by the name stated in such certificate, and by that name they and their successors shall have perpetual succession, and power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to use at pleasure, and to purchase and take, have, hold, receive and enjoy, any lands, tenements, or hereditaments, in fee simple, or otherwise, and any goods, chattels, or property of any description, real or personal, and whether acquired by gift, grant, devise, bequest or otherwise, and the same to grant, convey, lease, assign, sell, or otherwise dispose of, for the purposes of said association.

5. *And be it enacted*, That the governors or directors of such association shall have power, from time to time, to make, alter, and amend by-laws, not inconsistent with the constitution or laws of the United States or of this State, fixing and altering the number of its governors or directors for the management of its property and the regulation and government of its affairs, and providing for the classification of and the mode of increasing or perpetuating the governors or directors of the association, and the mode of filling vacancies in, and removing any member from their number, and prescribing qualifications for membership of the association, and to appoint one or more superintendents or managers, and such other agents and officers, as shall in their judgment tend to promote or advance any purpose of the association, and to prescribe their expected duties. General powers.

6. *And be it enacted*, That no governor or director of any association organized under this act, shall receive, directly or indirectly, any salary or emoluments from such association, nor shall any compensation whatever be voted, allowed, or paid by the governors or directors thereof to any governor or director for services, either as governor or director, or in any other capacity. Compensation for services not to be allowed.

7. *And be it enacted*, That the property and effects of any association organized under this act, and held for its purposes to an amount not exceeding five thousand dollars, shall not be liable to the imposition of any taxes. Exemption from tax.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CIV.

Supplement to an act entitled "An act for the organization of the national guard of the State of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act for the organization of the national guard of the State of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, which section is in the following words:

Section repealed recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the active militia of this State shall be known as 'the national guard of the State of New Jersey,' and shall consist of not more than sixty companies of infantry, and such batteries (not more than two) and such cavalry companies (not more than six) as may be authorized by the commander-in-chief, to be organized into brigades, in number not more than three, and to be comprised in one division; *provided*, that each county of the State shall be entitled to at least one of said companies," be and the same is hereby repealed.

Repealer.

2. *And be it enacted*, That the first section of the supplement to the act entitled "An act for the organization of the national guard of the State of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, which supplement was approved March twenty-first, one thousand eight hundred and seventy-two, which section is in the following words:

Section repealed recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, shall be and the same is hereby amended as follows, that is to say, by striking out the words '*provided*, that each county of the State shall be

entitled to one of said companies,' and inserting '*provided*, that in addition to the force now authorized, there be allowed ten additional companies of colored infantry,'" be and the same is hereby repealed. Repealer.

3. *And be it enacted*, That hereafter the active militia of this State shall be known as "the national guard of New Jersey," and shall consist of not more than forty-eight companies of infantry and one battery of artillery, to be organized into two brigades, and comprised in one division. Name and organization of the active militia.

4. *And be it enacted*, That hereafter there shall be to each company of infantry of the national guard one captain, one first lieutenant, one second lieutenant, and not less than fifty or more than eighty enlisted men, from which number of enlisted men there may be selected not more than five sergeants, five corporals, and two musicians; and all acts or parts of acts inconsistent with the provisions of this section be and the same are hereby repealed. Companies, how officered.

5. *And be it enacted*, That every company of the national guard shall be paraded at least four times in every year, and one of said parades shall be by brigade, when so ordered by the commander in chief; but no military encampment of the national guard or state militia shall be allowed or provided for at the expense of the State, except when it may be necessary to repel invasion, or subdue insurrection or riot, or when called to aid the civil authority in the preservation of the public peace or the enforcement of law, or when called into active service by the president of the United States. Parades, &c. Military encampment, when to be at expense of the state.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CV.

An Act relating to the giving of official bonds by certain city officials.

Member of board when elected by the people to give bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no member of any board of works, police board or fire board, in any city in this State, where the members of such board are elected by the people of said city or any district therein, shall become a member of any such board unless he shall first give a bond with good and sufficient sureties in the sum of fifteen thousand dollars, conditioned for the faithful performance of the duties of his office, the said bond to be approved and accepted by the board of finance and taxation of said city, or in the absence of such board, the finance department of said city; and on failure for thirty days to give such bond, there shall be deemed to be a vacancy in such board as to said member so failing to give such bond.

Failure to give bonds to be deemed a vacancy, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CVI.

An Act concerning clerks of grand juries.

Board of chosen freeholders to fix salary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county of this State wherein clerks of grand juries are now allowed by law,

to fix and determine the salary which shall be paid to the clerk of the grand juries of such county; *provided,* that in counties having by the census of the year one thousand eight hundred and seventy-five a population of less than fifty thousand inhabitants, it shall not exceed the sum of two hundred dollars per annum, and in counties having by said census a population exceeding fifty thousand and less than one hundred thousand inhabitants, it shall not exceed the sum of three hundred dollars per annum; and in counties having by said census a population of one hundred thousand or more inhabitants, it shall not exceed the sum of four hundred fifty dollars per annum. Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CVII.

An Act to authorize the appointment of commissioners on textile fabrics.

WHEREAS, the board of centennial commissioners has presented a memorial for the appointment of a commission to devise and consider a plan, to be reported to the next session of the legislature, for the encouragement of technological teaching in textile fabrics and designing, with a view to utilize and promote the manufacture of ornamental and textile fabrics in this state; therefore Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the governor is hereby authorized to appoint three commissioners, residents of this State, who shall consider and devise a plan for the encouragement of manufactures of ornamental and textile fabrics in this State, and report the same to the next session of the legislature. Appointment of commissioners.

Compensation not to be allowed.

2. *And be it enacted*, That the said commissioners shall not receive any compensation for their services.

Amount of appropriation for expenses.

3. *And be it enacted*, That to pay the necessary expenses, such as traveling, postage, etc., attending and consequent upon the discharge of their duties, there be hereby appropriated the sum of three hundred dollars, to be paid by the treasurer of the State upon the warrant of the comptroller, the whole amount paid not to exceed three hundred dollars.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CVIII.

A Supplement to an act entitled "An act for the maintenance of bastard children," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Pay of jurymen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That jurymen, in a case of bastardy before two justices, shall receive such pay as is allowed to them for like services in the court for the trial of small causes.

Repealer.

2. *And be it enacted*, That section thirty of said act, so far as the same relates to the pay of jurymen, be and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CIX.

A Supplement to "An act to define and suppress tramps," approved April nineteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of an act entitled "An act to define and suppress tramps," approved April nineteenth, one thousand eight hundred and seventy-six, which reads as follows:

"7. *And be it enacted*, That for each arrest or commitment made under this act, there shall be paid to the committing magistrate and officer making such arrest or commitment, the same fees as now provided by law, for like services in other cases of arrest and commitment, to be paid out of the county treasury; any wilful refusal to make such arrest on the part of any constable or police officer, shall subject him to a penalty of ten dollars, to be collected as penalties are by law collectable, and shall be paid into the poor fund of the district in which the officer resides," be amended to read as follows: Section to be amended re-cited.

7. *And be it enacted*, That for each arrest or commitment made under this act, there shall be paid to the committing magistrate the sum of twenty-five cents, and to the officer making such arrest the sum of fifty cents for their services under the provisions of this act, and no more; and any wilful refusal to make such arrest, on the part of any constable or police officer, shall subject him to a penalty of ten dollars, to be collected as penalties are by law collectable, and shall be paid into the poor fund of the district in which the officer resides; *provided, however*, that the constable or police officer shall be entitled to the actual fare he may have to pay for himself and his prisoner or prisoners in taking them to the county jail. Amendment. Fees to justice. Fees to officer making arrest. Penalty for refusal to make arrest. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CX.

A Supplement to an act entitled "An act concerning marriages, births and deaths," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of "An act concerning marriages, births and deaths," approved March twenty-seventh, in the year one thousand eight hundred and seventy-four, which reads as follows:

Section to be amended recited.

"Every justice of the peace and mayor of a city of this State, and every stated and ordained minister of the gospel is hereby authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation, and every religious society in this State may join together in marriage such persons as are of the said society, or when one of such persons is of such society, according to the rules and customs of the society to which they or either of them belong," be amended so that the said second section of said act shall read as follows:

Amendment.

Persons authorized to solemnize marriages.

Every judge of any court of common pleas, and justice of the peace and mayor of a city of this State, and every stated and ordained minister of the gospel is hereby authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation, and every religious society in this State may join together in marriage such persons as are of the said society, or when one of such persons is of such society, according to the rules and customs of the society to which they or either of them belong.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXI.

An Act to provide ways and means to defray the State expenditures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied and collected, on the real and personal property in this State, as exhibited by the abtracts of ratables from the several counties, made out by the several boards of assessors for the year one thousand eight hundred and seventy-six, and filed in the office of the comptroller of the treasury, a State tax of one and one-half mills on each dollar of the valuations contained in the said abstracts; and the proceeds of the said tax are hereby appropriated and shall be applied as follows, to wit: there shall be paid to the commissioners of the sinking fund one hundred thousand dollars to pay that portion of the principal falling due on the first day of January, one thousand eight hundred and seventy-eight, of a loan authorized by an act entitled "An act authorizing a loan for the purposes of war," and so forth, approved May tenth, one thousand eight hundred and sixty-one, and the several supplements thereto; and there shall also be paid to the said commissioners the necessary amount to pay such portion of the interest due upon the said loan on the first day of January, one thousand eight hundred and seventy-eight, and on the first day of July, one thousand eight hundred and seventy-eight, as the income of the sinking fund for the then current year shall not suffice to pay, and the residue of the proceeds of said tax shall be paid into the State fund, and shall be appropriated for and applied to the purpose of defraying the necessary expenses of the State; which tax, and the sums required to be raised for county, city, township or other public purposes, shall be levied, assessed and collected on the persons and property, and in the manner directed by the

Amount of state tax to be assessed of one and one-half mills on each dollar of valuations contained in abstract of ratables.

Proceeds, how appropriated.

laws of this State which shall be in force at the time the said taxes shall be assessed.

Comptroller to transmit to county collector a statement of amount of tax apportioned to county.

2. *And be it enacted*, That it shall be the duty of the comptroller to apportion the said tax, and at the rate aforesaid, among the several counties, in proportion to the amount of real and personal estate taxable in said counties respectively, as shown by the abstracts respectively as aforesaid; and it shall be his duty to transmit within thirty days after the approval or passage of this act, to the county collector of each county a statement of the amount of said tax apportioned to said county; and the said county collector shall lay said statement before the assessors of the townships and wards within his county, at their next meeting to apportion the township taxes; and the said assessors shall thereupon proceed to assess said tax according to law.

Comptroller to furnish printed forms for returns of amount of ratables.

3. *And be it enacted*, That it shall be the duty of the comptroller to furnish to the collectors of the several counties, printed forms on which the boards of assessors shall make their returns of the amount of ratables of their respective counties, upon which form there shall be printed the oath which the assessors are required by law to take, and no abstract of the amount of ratables shall be deemed to have been made according to law, unless said oath shall have been taken by each member of the board of assessors; and no assessor shall be entitled to receive compensation for his services until he shall have taken and subscribed the said oath as herein provided.

Authorized to dispose of or pledge any securities now in state fund when necessary.

4. *And be it enacted*, That the governor, comptroller and treasurer of the State be and they are hereby authorized to dispose of or pledge any securities now in the state fund, whenever it may be in their judgment, or in the judgment of a majority of them, expedient or necessary to do so in order to meet the legal demands upon the treasury and the proceeds of any securities so disposed of or pledged, shall be applied to the purpose of paying appropriations made by the legislature, and to defraying the other necessary and lawful State expenditures.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXII.

An Act concerning appropriations made by and to the boards of education in cities of this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of education of any incorporated city of this State, from time to time, to modify the several appropriations made by the board, to be expended under the direction of its several committees, during any fiscal year; *provided, however*, that said modifications shall not authorize any expenditure in excess of the sum appropriated for the current expenses of the department of public instruction at the time when such appropriation shall have been originally made. Appropriations may be modified. Proviso.

2. *And be it enacted*, That the amount appropriated by the board of aldermen or other body charged with the duty of making appropriations for defraying the current expenses of the department of public instruction of any city of this State, for each successive year, shall thereby become appropriated to defray such current expenses and shall be used for no other purpose whatever. Money appropriated for current expenses not to be otherwise used.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 9, 1877.

CHAPTER CXIII.

A Supplement to an act entitled "An act relating to incorporated schuetzen associations of this State," which act was approved March first, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement, which section reads as follows:

Section to be amended recited.

"2. *And be it enacted*, That any stockholder belonging to said association, whether he belong to any schuetzen corps mentioned in the act of incorporation or articles of association of any such corporation, shall be entitled to vote in said association at any election for officers or directors, as soon as he shall have been elected to membership in said association by a vote of three fourths of all the directors thereof," be and the same is hereby amended to read as follows:

Amendment.

Who may vote.

2. *And be it enacted*, That any stockholder belonging to any organized schuetzen corps shall be entitled to vote in said association at any election for officers or directors.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXIV.

A Supplement to an act entitled "An act concerning evidence," approved March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, doubts have arisen as to the construction of the fifth section of the above mentioned act,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said fifth section of an act entitled "An act concerning evidence," approved March twenty-seventh, one thousand eight hundred and seventy-four, be construed to authorize husband or wife in any criminal action against either, to give evidence to prove the fact of marriage. Section of act, how construed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXV.

A Supplement to an act entitled "An Act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the location of the route of any railroad incorporated under this act shall have been made, it shall be lawful to relocate any part of said railroad which is not built, in the same manner and under the same conditions as though the part to be relo- Route of railroad re-located.

Proviso. cated had never been located; *provided, however*, that if such change shall be made in any part of the route located, it shall be incumbent upon the company making such change to first secure the consent of any stockholder or subscriber who holds stock on the condition of such location, before such change of location shall be made; *and provided, further*, that no railroad constructed under this act shall change the location in any city except to comply with an ordinance of the common council of said city already passed; *and provided, further*, that no change of location shall be made where the right of any company to cross the land of any person or persons is the subject of litigation; *provided*, that any such relocation shall be made within twelve months from the time of original location.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXVI.

An Act to amend an act entitled "A further act in relation to assessments in cities," approved March seventh, eighteen hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first, second and third sections of the act to which this is a supplement, which are in the following words:

Section of act not to apply recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the costs, damages and expenses of any improvement other than for the laying of sidewalks in any city in this State have been assessed wholly upon the line of such improvement, or wholly upon the owners of the lands along such line, the common council, or other legislative body, of such city, or any commissioners of streets and sewers in said city,

or the board of finance and taxation in any city where such board exists, may vacate and set aside by resolution all the proceedings in relation to such void assessment; and in order to provide for the payment of the costs, damages and expenses of such improvement, an assessment of such costs, damages and expenses may be levied by the officers of such city or any commissioners in said city qualified by law to make such assessments in the first instance at any time within two years from and after the passage of this act; and in making such assessment the person or persons authorized to make the same shall assess upon all the tracts or lots of land and real estate benefited by such improvement such proportion of such costs, damages and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire; and the balance of such costs, damages and expenses, if any, remaining unassessed, shall be a debt upon and paid by such city out of moneys provided for that purpose by the legal authorities of such city, according to the provisions of any law of this State.

Recital continued.

"2. *And be it enacted*, That any assessment for any improvement, other than for the laying of sidewalks, or such as are mentioned in the first section of this act, whether the same has been confirmed by such city council or other legislative body, or any other board in said city or not, or commissioners in said city, may be vacated and set aside by such legislative body or commissioners of streets and sewers in said city, or said board of finance and taxation in cities where such board exists, by resolution, and a re-assessment made as if such assessment so vacated had never been made; *provided*, that no such assessment shall be so set aside after the whole assessment for the improvement shall have been paid.

Recital continued.

"3. *And be it enacted*, That where any assessment for any improvement, except the laying of sidewalks, which has been heretofore made, or shall hereafter be made, in any such city, shall be in the judgment of the commissioners of the sinking fund of such city, if there be any, or, if there be none, then of the city council or other legislative body thereof, or any commissioners of streets and sewers in said city, or of the board of finance and taxa-

tion in cities where such board exists, greater than the benefits conferred upon the lands assessed by the improvement for which the assessment is made, such sinking fund commissioners or legislative body, or commissioners of streets and sewers, or such board of finance and taxation, as the case may be, may agree with any or all of the owners of lands so assessed for a rebate of such assessments, either from the specific assessments upon such lots respectively, or by a rebate of a certain percentage from the whole of such assessment, which rebate shall be authorized by a resolution of such sinking fund commissioners or legislative body, or commissioners of streets and sewers in said city, or by said board of finance and taxation in cities where such board exists, as the case may be, to be approved by the mayor or other chief executive officer of such city in cases in which the rebate shall be authorized by such legislative body, or commissioners of streets and sewers in said city, or such board of finance and taxation; and in cases in which it shall be authorized by such sinking fund commissioners, or said board of finance and taxation, to be approved both by such chief executive officer and by the legislative body of such city, or commissioners of streets and sewers in said city, or by said board of finance and taxation, by the votes of a majority of such body or board; and the said sinking fund commissioners, or said board of finance and taxation, if there be any, or, if there be none, such legislative body, or such commissioners of streets and sewers, may agree on the part of such city with the owner or owners of any land so assessed for the payment or composition of any such assessments, which agreements shall in all cases be approved in like manner as such resolutions authorizing a rebate of any assessment, and all such agreements shall be good and effectual in law between the parties thereto," shall not extend or apply to any assessment acted upon, made or determined by virtue of the act entitled "An act to adjust unpaid assessments in Jersey City," approved March twenty-sixth, eighteen hundred and seventy-three, nor to any assessment acted upon, made or determined by virtue of an act entitled "An act to adjust unpaid assessments in the city of Paterson," approved April ninth, eighteen hundred and seventy-five.

Not to extend or apply to Jersey City or the city of Paterson.

2. *And be it enacted*, This act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXVII.

Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April ninth, eighteen hundred and seventy-five.

WHEREAS, it frequently happens that conveyances of real estate are made to religious societies or corporations, in the deeds whereof the corporate name or designation of such religious societies or corporations, through error or misapprehension of the grantor, are not correctly stated. Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a conveyance of any real estate is made to any religious society or corporation, incorporated under or by virtue of any general or special laws of this State, and in the deed of such conveyance the corporate name or designation of such religious society or corporation as the grantees in such deeds of conveyance is not correctly stated, and where the intention of the grantor or grantors in any such deeds is signified by the use of the principal words of the corporate name or designation of any such religious society or corporation, and where such religious society or corporation have entered into possession and occupation of such real estate, it shall be lawful for such religious society or corporation to file, in the office of the clerk or register of the county wherein such real estate is located, a statement setting forth the date of such deed of conveyance, the date of the recording, and the number and page of the book of record thereof, the names of the grantor or grantors, the description of the property conveyed, the erroneous title of such religious society or

Statement setting forth date of deed, &c., and erroneous title of society to whom deed or conveyance is made to be filed with the clerk or register of deeds.

corporation, as expressed in such deeds, and also the correct title thereof, which statement shall be verified by the affidavit of any duly authorized officer of such religious society or corporation, taken by any person authorized to take the acknowledgment and proof of deeds; and it shall be the duty of such clerk or register to file the said statement so verified as aforesaid in his office, and to record the same in a book to be kept for that purpose, for which such clerk or register shall receive the same fees as are now allowed for the recording of deeds.

Statement to be verified.

Certified copy of statement to be received in evidence.

2. *And be it enacted*, That upon filing and recording such statement as aforesaid the said religious societies or corporations shall be deemed to be vested in as good and perfect title to said real estate, so conveyed to them by an erroneous corporate name and designation, as though the same had been conveyed to them by their proper corporate name or designation, and the said verified statements, or duly certified copies thereof, shall be received as evidence in any of the courts of this State.

Name of society or corporation may be changed.

3. *And be it enacted*, That it shall be lawful for any religious society or corporation, by the votes of two-thirds of all the members of such society or corporation, at a meeting called for the purpose in the manner that meetings of such society or corporation are called, according to the form of government thereof, to change the name of such society or corporation; and upon the filing of a certificate of such action, verified by the affidavit of any duly authorized officer of such society or corporation, setting forth the change of name so determined upon, with the clerk or register of the county wherein such society or corporation is situate, it shall be the duty of such clerk or register to file such certificate in his office and to record the same in the book referred to in the first section of this act, and thereafter such society or corporation shall be known by the name determined upon as aforesaid and set forth in such certificate; but the said society or corporation shall be entitled to the same rights and privileges and be subject to the same responsibilities as if no such change of name had been made.

Certificate to be filed and recorded in office of clerk or register of deeds.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXVIII.

A Further Supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five.

Increase of directors and capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any company incorporated under the laws of this State by special act of incorporation is limited by its charter to a certain amount of capital stock and a certain number of directors, such corporation shall have power to increase the amount of its capital stock and the number of its directors on filing with the secretary of state the assent, in writing, of stockholders representing two-thirds in value of the existing capital stock, and a certificate setting forth the amount of capital stock and number of directors as increased; and the certificate of the secretary of state that such assent and certificate have been filed in his office shall be taken and accepted as evidence of such increase in any court of this State; *provided*, that the additional capital stock authorized under this act shall be paid for in cash.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXIX.

A Supplement to an act entitled "An act concerning evidence" (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section forty-seven of "An act concerning evidence" (revision), approved March twenty-seventh, eighteen hundred and seventy-four, and which reads as follows:

Section to be amended recited.

"47. Whenever the common council of any city within this State shall have appointed a committee of members of their body upon any subject or matter within the jurisdiction of such common council, or to examine any officer of the city or member of said council in relation to the discharge of his official duties or conduct, or to the receipt or disbursement by him of any moneys in the discharge of said duties, or concerning the possession or disposition by him, in his official capacity, of any property belonging to the said city, or to inspect or examine any book account, voucher or document in the possession or under his control as such officer, relating to the affairs or interest of such city, such committee is hereby authorized to issue a subpœna ad testificandum, or subpœna duces tecum, to any person within this State to appear before them to give testimony or information required for the purpose above mentioned; and any member of such committee is hereby authorized to administer oaths to all such witnesses as may appear or be brought before them; the subpœnas herein provided for may be served by any police officer or constable of the said city; and in case any person summoned shall refuse to obey such subpœna, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required, it shall be lawful for such committee, upon affidavit proving the facts, to apply to any judge of the supreme court for an attachment against such person as

for a contempt, and it shall be the duty of such judge to hear such application, and if satisfactory proof be made of such refusal, to issue an attachment, directed to any constable or police officer of such city, for the arrest of such person, and upon his being brought before him, to proceed to a hearing of the case; and the said judge shall have power to enforce, by imprisonment in the county jail, obedience to such subpœna, and the answering of any question that may be proper, or the production of any book, paper or document that the witness would be compelled to produce in a court of law, and also to compel such witness to pay the costs of the said proceeding, to be taxed by the judge; and any person who shall wilfully and corruptly testify falsely to any material matter, upon oath or affirmation administered by any member of such committee, upon such investigation or inquiry, shall, upon conviction thereof, be subject to the penalties of perjury," be and the same is hereby amended so as to read as follows:

Amendment.

47. Whenever the common council of any city within this State shall have appointed a committee of members of their body upon any subject or matter within the jurisdiction of such common council, or to examine any officer of the city or member of said council in relation to the discharge of his official duties or conduct, or concerning the possession or disposition by him, in his official capacity, of any property belonging to the said city, or to inspect or examine any book account, voucher or document in the possession or under his control as such officer, relating to the affairs or interest of such city, such committee is hereby authorized to issue a subpœna ad testificandum, or subpœna duces tecum, to any person within this State to appear before them to give testimony or information required for the purpose above mentioned; and any member of such committee is hereby authorized to administer oaths to all such witnesses as may appear or be brought before them; the subpœnas herein provided for may be served by any police officer or constable of the said city; and in case any person summoned shall refuse to obey such subpœna, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required, any justice of the supreme court of this State may, upon ap-

Committee authorized to issue subpœnas and administer oaths.

Penalty for failure to obey subpœna or to certify.

plication made to him and upon proof being made of such refusal, make an order awarding process of subpœna, or subpœna duces tecum, out of the said court for such witness to appear and testify before such committee, and may make an order or orders that any party give testimony and answer questions as required, and to produce books, papers or documents as required, and upon filing such order in the clerk's office of the said supreme court, it shall be the duty of the said clerk, under the seal of said court, to issue process of subpœna to appear before said committee at a time and place named therein, and so from day to day until the examination of such person shall be completed; and said subpœna may contain a direction that such witness bring with him to such examination any books, papers or documents therein mentioned, and it shall also be the duty of said clerk to issue, under the seal of said court, such other or further order in reference to the examination, appearance, production of books, papers or documents before said committee as said justice shall direct; and in case any person so summoned by subpœna issued by said clerk as aforesaid shall refuse to obey such subpœna or any direction therein, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required; or in case any person shall refuse to obey any order made by said justice as aforesaid, it shall be lawful for such committee, upon affidavits proving the facts, to apply to said justice of the supreme court for an attachment against such person as for a contempt; and it shall be the duty of such judge to hear such application, and if satisfactory proof be made of such refusal, to issue an attachment, directed to any constable or police officer of such city, for the arrest of such person, and, upon his being brought before him, to proceed to a hearing of the case; and the said judge shall have power to enforce, by imprisonment in the county jail, obedience to such subpœna, and the answering of any question that may be proper, or the production of any book, paper or document that the witness would be compelled to produce in a court of law, and also to compel such witness to pay the costs of the said proceeding, to be taxed by the judge; and any person who shall wilfully and corruptly testify falsely to any material matter, upon oath or

What subpœna may contain.

Proceedings to enforce obedience to writ or to compel witness to certify.

affirmation administered by any member of such committee, upon such investigation or inquiry, shall, upon conviction thereof, be subject to the penalties of perjury.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXX.

An Act relating to the refunding, by commissioners of streets and sewers, or any other commissioners in any city in this State, of moneys paid to any such commissioners by owners of property for assessments for benefits, for local improvements, where said assessments have been subsequently set aside.

Preamble.

WHEREAS, large numbers of assessments for local improvements in different cities of this State have been heretofore, and may be hereafter, entirely set aside by the courts of this State having jurisdiction thereof, or other competent authority, by reason of defects in the laws under which said assessments were made, or for other cause, or have been illegally made; *and whereas,* in many instances considerable sums of money have been and may be hereafter, paid by the owners of property assessed for said improvements to commissioners of streets and sewers in said cities, which sums of money said cities or said commissioners may be legally liable to refund to said owners so paying said assessments heretofore set aside, or that may be hereafter set aside as aforesaid; *and whereas,* great and unnecessary embarrassment will arise to said cities, and the taxpayers thereof, if said cities or said commissioners are compelled to refund at once to said persons so paying or having paid, as aforesaid, the said moneys assessed for said improvements, and it is therefore de-

sirable and proper that said cities or said commissioners, as the case may be, should be authorized to delay repayment of said money until such time as reassessments for benefits for said local improvements may be made in conformity with existing laws, *provided* said reassessments are made within a reasonable time; therefore,

Money paid on illegal assessments to be refunded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assessments for benefits for local improvements in the cities of this State have been, or may hereafter be set aside by the courts of this State, or other competent authority, by reason of defects in the laws under which said assessments were or shall be made, or for other cause, or have been made under the provisions of any law of this State which have been declared by the courts thereof to be unconstitutional and void, and owners of property assessed for said improvements have paid, or may hereafter pay, to commissioners of streets and sewers in any city the sums of money so assessed against such owners or their real estate for benefits for local improvements, or part thereof, the moneys so as aforesaid paid by any owner assessed as aforesaid, who shall be legally entitled to recover the amount paid as aforesaid, shall be refunded by said commissioners so receiving the same; but the refunding and collection of said sums of money paid for assessments for said local improvements shall be stayed and delayed until such time as a reassessment for benefits for said local improvements shall have been made by such commissioners or by other commissioners or other persons lawfully appointed and authorized to make the same;

Proviso.

provided, however, that interest upon the sums of money so paid as aforesaid for assessments for local improvements set aside as aforesaid, shall be collected on final settlement from said commissioners at the rate of seven per centum per annum, from the date of the payment of said assessments up to the time of final adjustment; *and*

Proviso.

provided, further, that where assessments for benefits for local improvements have been heretofore set aside for the causes aforesaid, or have been illegally assessed as aforesaid, said reassessment for said improvements shall be made and completed within two years from and after the passage of this act; and in cases where assessments for

benefits for local improvements shall be hereafter set aside for the causes aforesaid, said reassessments for said improvements shall be made and completed within two years from the date of the setting aside of said assessments; *and provided, further*, that nothing in this act contained shall affect in any way the validity of any reassessment for benefits for local improvements heretofore made; but in cases where said reassessments are made and completed prior to the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid shall become due and payable at once upon the ratification of said reassessments, and shall be applied in settlement of said reassessments, and the balance, if any, in favor of the person so paying, refunded. Proviso.

2. *And be it enacted*, That the provisions of this act are hereby declared to be applicable to all suits now pending in any court of this State for the collection of moneys paid by any owner of property, or other person representing said owner, for assessments for benefits for local improvements which have been heretofore set aside as aforesaid; *provided, however*, that all costs incurred by the plaintiffs in such suits, at the time of the passage of this act, shall be paid by the respective defendants therein. Act applicable to pending suits. Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXI.

A further act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where school houses or engine houses in any city, have been heretofore built, or are now in process of construction, and no appropriation is in existence to pay for the same, the cost Cost of buildings to be paid by general tax.

of such buildings shall be borne by the city at large, and paid by general tax.

May issue bonds.

2. *And be it enacted*, That in all cases mentioned in the first section of this act, it shall be lawful for the board that has ordered the erection of the buildings as provided in the first section of this act, to request the board of finance and taxation, or other board or department, having the control of the finances in any city, to issue, and such board or department on such request may issue the bonds of the said city for the purpose of raising the whole or any part of such cost, to be borne and paid as aforesaid, which bonds shall be in such sums, and shall run for such times, as the board of finance and taxation or other board or department having charge of the finances of said city shall direct; and said bonds shall bear interest not exceeding seven per centum per annum, and shall be sold not less than par, and the proceeds thereof shall be applied to defraying the cost aforesaid.

Bonds not to be sold less than par.

Not to apply to certain cities.

3. *And be it enacted*, That the provisions of this act shall not apply to cities having a population of less than fifty thousand inhabitants, and that nothing in this act shall be construed to authorize the issue of bonds in any city, the debt of which is now limited by law.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXII.

A Supplement to the act entitled "An act concerning disorderly persons," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this State

having a population of over fifteen thousand inhabitants and less than thirty-five thousand inhabitants, and having police courts or police justices, paid by a fixed salary, all persons arrested for any violation of the provisions of the act entitled "An act concerning disorderly persons," approved April ninth, eighteen hundred and seventy-five, or for any violation of the provisions of the act entitled "An act to define and suppress tramps," approved April nineteenth, eighteen hundred and seventy-six, shall be taken for a hearing before such police court or police justice, and that in all such cases no justice of the peace residing or holding his court in such city shall have power to hear, try, or determine such cases, any law, custom or usage to the contrary notwithstanding.

Persons arrested as tramps or disorderly persons to be taken before a police court for hearing.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXIII.

Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," prescribing a method of procedure for the better enforcement of the game laws of this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That hereafter justices of the peace shall have jurisdiction to try and punish all persons for violating the provisions of the act to which this is a supplement, and all the different penalties in said act prescribed for the violation of the several provisions of the same may be enforced before any justice of the peace in any county where the offence is committed or where the offender is first apprehended.

Justices of the peace to have jurisdiction.

2. *And be it enacted,* That said justice of the peace, upon

Justice of the peace to issue warrant of arrest, and hear and determine the guilt or innocence of the persons charged.

receiving due proof made before him by the affidavit of one or more persons of the violation of any of the provisions of the act to which this is a supplement, by any person or persons, is hereby authorized and required by his warrant, under his hand and seal, directed to any constable or police officer of his county, to cause such person or persons to be arrested and brought before said justice, who shall in a summary way hear and determine the guilt or innocence of the person or persons so charged, and upon the conviction of any person or persons so charged with violating the provisions of the said act, said justice is hereby authorized and required to impose upon the offender or offenders so convicted before him the penalty or penalties prescribed in the said act, one-half thereof to go to the prosecutor and the other half to go to the county wherein the offender is convicted; and if any person or persons convicted under this act shall fail to pay the penalty or penalties, together with the costs of the prosecution imposed by said justice, he is hereby authorized and required to commit such offender to the common jail of the said county for a period of not less than ten or more than sixty days.

May commit to jail on failure to pay penalty, &c.

Constable or police officer may arrest without warrant.

3. *And be it enacted*, That for any violation of said act done in the view of any constable or police officer, such officer is hereby authorized and required, without warrant, to arrest and carry such offender before a justice of the peace of the township, ward or city wherein such arrest is made; and the said justice before whom such offender shall be taken shall have jurisdiction of the case, and is hereby authorized and required to hear and determine the same, after receiving from the said officer a complaint in writing, under oath, of the offence for which the person was arrested.

Proceedings in case of appeal.

Proviso.

4. *And be it enacted*, That any party to proceedings under this act may have his appeal, within twenty days after trial, to the court of quarter sessions of the county wherein the same shall take place; *provided*, the party appealing shall within the said period file a written notice of his appeal with said justice, pay the costs adjudged against him, and deliver to said justice a bond to the prosecutor in double the amount of the conviction and costs, with one good and sufficient security, a freeholder of the county wherein such trial shall take place

conditioned to prosecute his said appeal, and to stand to and abide by the order or judgment of the court which may be made against him in the premises.

Appeal to be determined in court of quarter sessions.

5. *And be it enacted*, That whenever an appeal shall be taken as aforesaid, it shall be the duty of the said justice to send all the papers in the case to the next court of quarter sessions, which said court is hereby given jurisdiction to receive, try, and determine all such appeals in the same way and manner that appeals in the cases of bastardy are tried and determined in that court.

Prevailing party shall recover costs.

6. *And be it enacted*, That in all proceedings under this act that the prevailing party shall recover costs, and the same fees and costs shall be allowed therein as in trials before justices of the peace in civil causes; and when the proceedings are removed by appeal to the court of quarter sessions, the same fees and costs shall be allowed as in trials before the court of common pleas on appeals in civil cases.

Provisions of act extended and made applicable.

7. *And be it enacted*, That the provisions of this act shall be applicable and is hereby extended to the recovery of all penalties for the enforcement of any and all of the provisions of all and every of the acts incorporating game societies in this State.

Repealer.

8. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Approved March 9, 1877.

CHAPTER CXXIV.

An Act to authorize the issue of bonds for enlarging and repairing public buildings and bridges in counties.

May purchase land and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders in any county of this State for the purpose of building or enlarging and repairing

any of the county public buildings of any such county, and for the purpose of rebuilding and repairing any of the public bridges of any such county, to purchase land when necessary to erect buildings for county purposes, and issue bonds in the corporate name and under the corporate seal of any such county, signed by the director and the clerk of the board of chosen freeholders of any such county, countersigned by the county collector of any such county, to be denominated on their face "repairing bonds," to an amount not exceeding twenty thousand dollars; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding seven per centum per annum, payable half-yearly, and shall be redeemable at any time not exceeding ten years from their date, in the discretion of the board of chosen freeholders of any such county, which bonds may be sold at public or private sale for the best price they can obtain for the same, but shall not be for less than the par value; and all real estate and property within any of such counties shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

Bonds, how executed.

Not to be sold at less than par value.

Payment of bonds to be provided for by taxation.

2. *And be it enacted*, That the board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon, and shall yearly, and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in any of such counties are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

Counties to which act shall not apply.

3. *And be it enacted*, That this act shall take effect immediately, but this act shall not apply to any county having over fifty thousand inhabitants.

Approved March 9, 1877.

CHAPTER CXXV.

A Supplement to an act directing the descent of real estate, approved April sixteenth, one thousand eight hundred and forty-six.

Inheritance to go to mother of illegitimate person.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any illegitimate person shall die seized of any lands, tenements or hereditaments, in his or her own right, in fee simple, without devising the same in due form of law, and without leaving lawful issue, (and leaving a mother), then the inheritance shall go to the mother of the said person so seized; *provided, always*, that nothing contained in this act shall be construed or taken to bar or injure the rights or estate of a husband, as a tenant by the curtesy, or a widow's right of dower, or to make void or in any way affect any marriage settlement.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXVI.

An Act to fix the salaries of the officers of the senate and general assembly of the State of New Jersey.

Amount of compensation of officers, &c., of house of assembly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to the officers and pages of the house of assembly a yearly compensation as follows: To the clerk, one thousand five hundred dollars; to the assistant clerk, one thousand two

hundred dollars; to the journal clerk, one thousand dollars; to the engrossing clerk, one thousand three hundred dollars; to the sergeant-at-arms, seven hundred dollars; to the assistant sergeant-at-arms, five hundred dollars; to each of the gallery keepers, three hundred dollars; to the speaker's secretary, six hundred dollars; and to each page, two hundred dollars.

Compensation to officers, &c., of senate.

2. *And be it enacted*, That there shall be paid to the officers and pages of the senate a yearly compensation as follows: To the secretary, one thousand five hundred dollars; to the assistant secretary, one thousand two hundred dollars; to the engrossing clerk, one thousand two hundred dollars; to the journal clerk, one thousand dollars; to the president's secretary, six hundred dollars; to each of the two calendar clerks, five hundred dollars; to the clerk to the committee on engrossed bills, three hundred dollars; to the sergeant-at-arms, six hundred dollars; to the assistant sergeant-at-arms, four hundred dollars; to each of the four door-keepers, two hundred and fifty dollars; to each of the pages, two hundred dollars; and in no case shall any additional compensation be allowed or paid to any of the said officers or pages.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXVII.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirteen of an act

entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, and which now reads as follows:

"13. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of the said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be found between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said lands or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against any company incorporated under this act and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners shall have awarded, then said costs shall be paid by said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company incorporated under this act enter upon or take possession of any land of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of any company incorporated under this act, until they have paid to the party or parties entitled to receive the same the amount as-

Section to be amended recited.

Recital continued.

sessed by the commissioners as the value of such land or damages; in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, and in case of appeal, the amount found by the jury, shall refuse upon tender thereof being made to receive the same, or shall be out of the State, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county wherein the lands lie, shall be deemed a legal and valid payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his or their appeal from the report of the commissioners; and on such tender or payment of the money into court, in case it be refused as aforesaid, the said company shall be empowered to enter upon and take possession of said lands and proceed with the work of constructing its road," be and the same is hereby amended so that the said section shall read as follows:

Recital continued.

Amendment.

Appeals to be made in writing and filed with clerk of circuit court.

Proceedings on appeal.

13. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing and in the form of a petition to said court, and filed with the clerk of the said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commission-

ers shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against any company incorporated under this act and execution awarded therefor; but if the said jury shall be applied for by the owner or owners and shall find a less sum than the said company shall have offered or the said commissioners shall have awarded, then costs shall be paid by the said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor as the court shall direct; but such application shall not prevent the company from taking the said land upon filing the report aforesaid; *provided*, that in no case whatever shall said company in- Proviso.
corporated under this act enter upon or take possession of any land of any person or persons for the purpose of actually constructing said railroad or of making any erection or improvements whatever or otherwise appropriating said lands to the use of any company incorporated under this act until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such land or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal, and in case of appeal the amount found by the jury, shall refuse upon tender thereof being made to receive the same, or shall be out of the State or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein the said lands lie, shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his or her appeal from the report of the commissioners; and on such tender or payment of the money into court, in case it be refused as aforesaid, or in case the said company incorporated under this act shall appeal from the finding of said commissioners, then the said company, upon payment of the amount so assessed or found as aforesaid into said circuit court,

New Jersey State Library

shall be empowered to enter upon and take possession of the said lands and proceed with the work of constructing its road.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXVIII.

A Supplement to an act entitled "An act concerning cities," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act concerning cities," approved April twenty-first, one thousand eight hundred and seventy-six, which reads as follows:

Recital of section to be amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any city within this State, by and through its board of finance or finance department, from time to time to borrow money for the use of said city, in such sums as they may think best, in anticipation of the collection of taxes in arrears in such city, not to exceed at any time, the amount thereof then in arrear, either by temporary loans or by the issue of bonds not to exceed ten years to run, and to issue proper evidences of indebtedness to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said evidences of indebtedness and the said bonds shall be in such form as said board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds or both, as may be determined by such board or department; such bonds to bear interest at not exceeding seven per centum per annum, payable as such

board or department may direct; *provided, nevertheless,* that said bonds shall not be sold for less than ninety-five per centum of their par value," be amended to read as follows:

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That hereafter it shall be lawful for any city within this State, by and through its common council or its board of finance or finance department from time to time to borrow money for the use of said city, in such sums as they may think best, to provide for present unfunded or floating indebtedness, or in anticipation of the collection of taxes or of assessments for benefits for street or sewer improvements in arrears in such city, not to exceed at any time, the amount thereof in arrear, either by temporary loans or by the issue of bonds not to exceed ten years to run, and to issue proper evidences of indebtedness or bonds therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk, and the said evidences of indebtedness and the said bonds shall be in such form as said common council, board of finance or finance department shall fix and determine, and the bonds may be either registered or coupon bonds or both, as may be determined by such board or department, such bonds to bear interest at not exceeding seven per centum per annum, payable as such board or department may direct; *provided, nevertheless,* that said bonds shall not be sold for less than ninety-five per centum of their par value.

May borrow money to provide for unfunded or floating indebtness, and issue bonds therefor.

2. *And be it enacted,* That all moneys received as principal and interest on account of said taxes and assessments in arrears, for the arrearage of which bonds shall be issued by virtue of the provisions of this act, are hereby pledged and appropriated to the commissioners of the sinking fund of said cities, where such commissioners exist, for the payment of the principal and interest of the bonds hereby authorized to be issued.

Payment of principal and interest of bonds, how provided for.

3. *And be it enacted,* That whenever any owner of lands in any city within this State has or shall give a bond to such city for the payment of any assessment levied against his or her lands, and shall desire to have a portion of said lands released from such bond and the assessment for which it is given, and shall proceed and obtain an apportionment of such assessment under the pro-

Proceedings for release of portion of lands from bond and assessment.

visions of the act entitled "An act to authorize the apportionment of taxes, assessments and water rents," approved April twenty-first, one thousand eight hundred and seventy-six, so as to determine the amount of said assessment upon the land to be released, then it shall be lawful for such city to receive the amount so apportioned on account of said bond and release such proportion of such lands from such bond and the assessment for which it is given.

Not applicable to certain cities.

4. *And be it enacted*, And that nothing in this act shall be construed to permit the increase of indebtedness in any city whose debt is now limited by law, and in any city wherein there is a board of finance or finance department the powers in this act conferred shall be exercised by such board or department and not by the council, and that this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXIX.

An Act to enable towns and townships in this state to obtain a supply of water from existing city water works.

Town council or township committee authorized to contract for supply of water, &c., with corporate authorities of cities having water works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town council or township committee of any town or township, with the consent in writing of the owners of the majority of the real estate; according to its assessed value in the year preceding the year of such consent, in said town or township shall be and hereby is authorized from time to time to contract with the corporation of any incorporated city having water works or such authority or board thereof, as may have the care and management of such water works, (which corporation and authority and board are hereby likewise authorized to enter into such contract) for a supply, for such town or township and the inhabi-

tants thereof, and the works there carried on, of water from such water works on such terms and conditions and for such a number of years as the contracting parties may agree upon; and such corporation, authority and board are hereby authorized to make alterations and additions to its said water works and supply pumps, machinery, and lay pipes in any place that may be agreed on; and exercise in behalf of such towns and townships all the powers given to such city authority or board for and on behalf of such city so as to execute the powers hereby given to it and them, and to do like acts in behalf of said towns and townships as it or they may do for and in behalf of said city, and do any other thing necessary to give effect to and enable it or them to perform such contract on its or their part; all roads and streets in or out of said city may be used to lay pipes in; said consent need not express more than generally, to consent to the town or township entering into a contract for supplying water to the town or township.

May construct and acquire necessary works, &c.

2. *And be it enacted*, That said town council or township committee shall after making such contract have power to construct and acquire the necessary works, pumps, engines, boilers and other requisite machinery, to be located in or out of the town or township which may not be provided for in, or furnished under said contract, and to lay down one main supply pipe running in such directions throughout the town or township, and as many fire hydrants as may be expedient; *provided*, the total cost necessary to be raised by the sale of the bonds hereinafter provided for, shall not for each town or township exceed ten per centum of the assessed value of the real estate in said town or township in the year preceding such consent; all streets and roads may be used by such town or township to lay pipes in, and put up fire hydrants; all work necessary to be done or materials to be furnished to execute these powers, may be done directly by the town or township or through contractors who after reasonable advertisement shall be deemed to afford the best security for completing the work on the most advantageous terms.

Proviso.

May make and issue bonds.

3. *And be it enacted*, That after such contract with such city, corporation, authority or board, is, under the conditions aforesaid, made, said town council or township com-

mittee shall have power for and in behalf, and in the corporate name of said town or township, to issue coupon or other bonds, in such sums as the town council or township committee, respectively, shall find convenient, not exceeding in the whole the said one-tenth of the said total assessed value of the real estate in such town or township, as such value shall appear by the assessment for the year preceding the year of such consent as aforesaid; such bond shall be payable after a term of years not less than twenty, from the year in which the said contract shall be made, and shall bear interest not exceeding seven per centum per annum, payable semi-annually; the said bonds may be disposed of at a rate not less than ninety-five per centum of their par value; the proceeds of the sale of said bonds shall be used exclusively to pay for the cost of the aforesaid works, pumps, machinery and main pipe which said town or township is to construct or acquire as aforesaid, and the interest on said bonds shall be raised annually by tax, at the same time and in the same manner, and on the same property which is taxable in said town or township issuing said bonds, as the state tax is raised; and the principal of said bonds shall likewise be raised in the same manner, by the same kind of tax, raised at one time or from time to time, as such town council or township committee shall see fit, and the real and personal property in such town or township shall be liable for the payment of said bonds, principal and interest.

Bonds not to be sold at a rate less than ninety-five per cent of par value.

Proceeds of sale of bonds, how applied.

Principal and interest to be paid by tax.

4. *And be it enacted*, That after the making of such contract, and after the construction of such works, pumps and machinery, and the laying down of such main pipe, and putting in of fire hydrants, and due and sufficient performance on all sides, of such contract, to justify such proceedings the town council or town committee, or such other public body as may hereafter be charged with the care and management of said works, shall have power to employ men, make contracts and to obtain all material necessary to put and keep such works in operation, and to keep them in repair and to lay distributing pipes, and house connections, and to lay such kind of tax as aforesaid, in manner aforesaid, to raise money to pay therefor; the said town or township may supply the water to the inhabitants, and to all buildings in such town or

May make contracts for construction of works, lay pipes, &c.

township, at such reasonable rate for the use of such distributing pipes and house connections and supply of water as shall seem expedient, and to collect such rates, and out of such rates to re-imburse the town or township the money expended for such distributing pipes and house connections, and to make reasonable and legal by-laws regulating the use of the water and the collection of such rates as may seem expedient.

Preamble.

5. *And whereas*, the benefits to be accomplished by this act may be more cheaply and conveniently secured if two or three or more of such municipalities desiring a water supply shall enter such a contract as each by the first section is authorized to make; *and whereas*, such contracts on the part of such towns or townships are likely to be such as will provide for a compensation to such city, corporation, authority or board at a rate on the amount of water supplied, which will be measured or estimated, and therefore no town or township will be made liable for another's supply.

Two or more town councils or townships may unite in contracts.

Be it enacted, That two or more town councils, or two or more township committees, or one or more township committees, and one or more town councils, may make such contract as is hereinbefore authorized to be made by one municipality for its supply with such city, or its said authority or board for a water supply and other the necessary or proper things before mentioned to accommodate all which shall so unite on the same terms and conditions, however, as to the consent of owners of property in each town or township respectively, as is before described; and each of such town council or councils and township committee or committees so uniting in such contract shall have the same power, under the same conditions as to each, to issue bonds, and to the same extent and of the same character, and every other power which is hereinbefore given to each in the case first provided for, and under the same restrictions and limitations as it would have had if such town council or township committee had made a separate contract and had otherwise complied with the provisions contained in the previous sections of this act; and the real and personal estate in each town or township so contracting together shall be liable to the payment of the principal and interest of the bonds of that town or township which shall issue

Property of each town or township contracting together shall be liable for payment of principal and interest o bonds so issued.

such bonds; and each town or township so uniting and issuing its bonds, shall have the aforesaid taxing power within its own limits to raise and pay the principal and interest thereof; and in relation to executing the powers to construct and acquire the necessary works, pumps, engines, boilers, and other requisite machinery, in or out of any of the constructing townships or towns, and to lay the main supply pipes and fire hydrants of such town or towns and township or townships who united in the contract in this section first mentioned, may make a separate or joint contract or contracts for the said works, pumps, engines, boilers, and other requisite machinery, and for such laying of the main supply pipes and fire hydrants, or such portions as may be deemed expedient of any of the same as may be needed by all or any of the uniting towns or townships, but under such contract or contracts, each town and township contracting shall be liable to the contractor or contractors only for such work and materials as are done and used in such town or township and for an equitable proportion of what work may be done or materials used outside of such uniting towns or townships; the said consents herein provided for shall be verified by the oath of the assessor of the said town or township that it is so signed, and said consent and affidavit shall be recorded by the town clerk and filed in the office of the town clerk, and such consent and affidavits, or a copy thereof certified by such clerk, shall be conclusive evidence of the facts therein set forth, in any court of judicature where the said facts may come in question.

May make separate or joint contracts.

Consents to be verified.

Repealer.

6. *And be it enacted*, That any local, private, or special, or public act, and every part thereof which is repugnant to or inconsistent with this act or any act or part of act which can be construed to in any wise alter, affect or control or construe this act, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXX.

An Act relative to the pamphlet laws of the State.

Preamble. WHEREAS, The number of copies of the pamphlet laws now published is the same as it has been for many years, and is found to be insufficient to meet the demand made for them by the several acts requiring their distribution; therefore,

Number of pamphlet laws to be printed. Price per sheet. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be printed of the pamphlet laws of the State four thousand copies, instead of three thousand copies, as is now fixed by law, and that the price for the same shall be thirty-four dollars per sheet of sixteen pages, instead of thirty dollars per sheet, as now provided by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXXI.

An Act to defray the incidental expenses of the New Jersey Legislature for the session of one thousand eight hundred and seventy-seven.

State treasurer to pay certain amounts. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the State of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named the following amounts, viz.:

Item No. 1. To A. H. Rickey, for parchment rolls and preparing oaths for officers and members of the senate and general assembly, fifty dollars. $50 00

Item No. 2. To Joseph K. Wells, for services as journal clerk during organization of the house of assembly, session of one thousand eight hundred and seventy-seven, twenty-five dollars. $25 00

Item No. 3. To David M. Campbell, for services attending electrical gas machine in senate chamber and general assembly chamber during the session of one thousand eight hundred and seventy-seven, one hundred dollars. $100 00

Item No. 4. To Alpaugh & Thompson, for stationery for senate, as certified to by the sergeant-at-arms, twenty-four dollars and twenty-five cents. $24 25

Item No. 5. To Addis Hays, for stationery, etc., furnished for senate, by order of secretary, eighty-six dollars and ten cents. $86 10

Item No. 6. To Joseph C. Patterson, for extra services as page at the opening of the legislative session of one thousand eight hundred and seventy-six, ten dollors. $10 00

Item No. 7. To George Thompson, Jr., for extra services as page at the opening of the legislative session of one thousand eight hundred and seventy-six, ten dollars. $10 00

Item No. 8. To Ellen Meley, for cleaning senate chamber and house of assembly and committee rooms, two hundred dollars. $200 00

Item No. 9. To Walter Walen, for washing spittoons for senate chamber and house of assembly, one hundred dollars. $100 00

Item No. 10. To Mrs. Walter Walen, for washing towels for senate chamber and house of assembly, fifty dollars. $50 00

Item No. 11. To John B. Fell, for freight on cases for house of assembly, twenty-four dollars and ninety-five cents. $24 95

Item No. 12. To Ivins & Lalor, for car-

riages for committee on state prison, by order of committee, eight dollars. $8 00

Item No. 13. To Ivins & Lalor, for carriages for committee on lunatic asylum, by order of the chairman, eighteen dollars. $18 00

Item No. 14. To Ivins & Lalor, for carriages for committee on industrial school for girls, by order of chairman, twenty-four dollars. $24 00

Item No. 15. To Naar, Day & Naar, for stationery furnished speaker of the house of assembly, twelve dollars and twenty-five cents. $12 25

Item No. 16. To the clergy of the city of Trenton, each ten dollars, for services in opening the session of the legislature with prayer in the year eighteen hundred and seventy-seven.

Item No. 17. To John P. Lansing, for advertising notice of incidental committee in Trenton daily papers, six dollars. $6 00

Item No. 18. To John L. Murphy, for stationery for sergeant-at-arms of house of assembly, one hundred and sixteen dollars and forty cents. $116 40

Item No. 19. To McAvoy Brothers, for stationery furnished the house of assembly, by order of committee on stationery, one hundred and thirty dollars. $130 00

Item No. 20. To McAvoy Brothers, for stationery furnished the house of assembly, by order of committee on stationery, three hundred and twenty-four dollars. $324 00

Item No. 21. To McAvoy Brothers, for stationery furnished the house of assembly, by order of committee on stationery, two hundred and twenty-five dollars. $225 00

Item No. 22. To McAvoy Brothers, for stationery furnished the house of assembly, by order of committee of stationery (delivered to clerk of house,) one hundred and sixty-three dollars. $163 00

Item No. 23. To. McAvoy Brothers, for stationery furnished the house of assembly, by

order of committee on stationery, (delivered to clerk of house,) one hundred and twelve dollars. $112 00

Item No. 24. To McAvoy Brothers, for stationery furnished the house of assembly, by order of committee on stationery, (delivered to clerk of house,) five hundred and thirty-eight dollars. $538 00

Item No. 25. To August Hammer, for making keys, repairing locks, &c., for senate and house of assembly, twenty-nine dollars and eighty-five cents. $29 85

Item No. 26. To Joseph P. Adams, for services opening house of assembly, ten dollars, and for one week's service as assistant sergeant-at-arms of the house of assembly, fifty dollars; total, sixty dollars. $60 00

Item No. 27. To John B. Fell, for towels, tumblers, brushes, combs, matches and other incidentals for house of assembly, one hundred and fifty-two dollars and forty cents. $152 40

Item No. 28. To Joseph Woolohon, for service at opening house of assembly for session of eighteen hundred and seventy-seven, ten dollars, and for one week's service as doorkeeper of ladies gallery, twenty dollars; total, thirty dollars. $30 00

Item No. 29. To John A. Clark, for services as police during the day and evening session of the legislature, fifty dollars. $50 00

Item No. 30. To Wm. H. Wilson, for services as secretary to president of the senate at the opening of session of eighteen hundred and seventy-seven, ten dollars. $10 00

Item No. 31. To John L. Murphy, for books, &c., furnished for senate, as approved by the secretary, one hundred and seventy-five dollars and twenty-five cents. $175 25

Item No. 32. To John L. Murphy, for stationery furnished engrossing clerk of the house of assembly, one hundred and fifty-one dollars and sixteen cents. $151 16

Item No. 33. To John L. Murphy for Cush-

ing's Manuals for members of the house of assembly, as per resolution, four hundred and eighty dollars. $480 00

Item No. 34. To John L. Murphy, for stationery furnished clerk of the house of assembly, four hundred and twenty-five dollars and seventy cents. $425 70

Item No. 35. To Harry Harris, Joseph MacKenzie and John J. Sedam, for services as pages at opening of session of eighteen hundred and seventy-seven, ten dollars each. $30 00

Item No 36. To John P. Lansing, for services as clerk to incidental committee, session of eighteen hundred and seventy-seven, fifty dollars. $50 00

Item No. 37. To J. Vance Powers, for expenses incurred in contested election case of Hutchinson vs. Powers, one hundred and fifty dollars. $150 00

Item No. 38. To James H. Leonard, for expenses incurred in contested election case. Paterson vs. Leonard, three hundred dollars. $300 00

Item No. 39. To McAvoy Brothers, for stationery furnished clerk of Assembly by stationery committee, fifty-five dollars and fifty cents. $55 50

Item No. 40. To Robert L. Hutchinson, for expenses incurred in contested election case of Hutchinson vs. Powers, one hundred and fifty dollars. $150 00

Item No. 42. To Samuel H. Paterson, for expenses incurred in contested election case of Paterson vs. Leonard, one hundred and fifty dollars. $150 00

Item No. 43. To Dennis J. Egan, for services as assistant to engrossing clerk of house of assembly, by order of the house, fifty dollars. $50 00

Item No. 44. To John W. Ellison, services as secretary to speaker of house of assembly at opening of session of eighteen hundred and seventy-seven, ten dollars. $10 00

Item No. 45. To N. W. Voorhees, for services as secretary of senate at the opening of session of eighteen hundred and seventy-seven, $10 00

Item No. 46. To Wm. Cloke, for services as assistant secretary of senate, at the opening of session of eighteen hundred and seventy-seven, $10 00

Item No. 47. To Francis F. Patterson, for services as engrossing clerk of senate, at the opening of session of eighteen hundred and seventy-seven, $10 00

Item No. 48. To A. S. Barber, Jr., for services as journal clerk of senate, at the opening of session of eighteen hundred and seventy-seven, $10 00

Item No. 49. To S. T. Champion, for services as sergeant-at-arms of senate, at the opening of session of eighteen hundred and seventy-seven, $10 00

Item No. 50. To A. C. B. Havens and Thomas Palmer, ten dollars each, for services as calendar clerk at the opening of the session of senate of eighteen hundred and seventy-seven, $20 00

Item No. 51. To Peter L. Ten Broeck, Geo. W. Shreeve, Chas. Robinson, Silas P. Genung and Henry Schenck, ten dollars each, for services as door keepers of senate at the opening of session of eighteen hundred and seventy-seven, $50 00

Item No. 52. To Frank Champion, William Coughlin, Chas. H. Wardell and Alfred Volman, for services as pages of senate at the opening of session of eighteen hundred and seventy-seven, each ten dollars, $40 00

Item No. 53. To the clergy of Trenton, for services in opening sessions of senate session of eighteen hundred and seventy-seven, each $10 00

Item No. 54. To Frank Wanser, for services as a page of the senate in opening session of senate of eighteen hundred and seventy-seven, $10 00

Item No. 55. To Alpaugh & Thompson, for paste furnished senate, one dollar. $1 00

Item No. 56. To Naar, Day & Naar, for stationery furnished secretary of senate, one hundred and twenty-eight dollars and thirty cents. $128 30

Item No. 57. To Naar, Day & Naar, for engrossing paper and other stationery furnished engrossing clerk of senate, one hundred and twenty-one dollars and forty cents. $121 40

Item No. 58. To Naar, Day & Naar, for stationery furnished president of the senate, forty-nine dollars and twenty-nine cents. $49 29

Item No. 59. To McAvoy Brothers, for stationery furnished to the senate, five hundred and forty-four dollars and seventy cents. $544 70

That all the items of this bill shall be paid, except those items for furnishing stationery for the house of assembly, which shall not be paid until approved by the governor, the president of the senate and speaker of the assembly.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXXII.

An Act for the establishment of orphan asylums.

Number of persons who may form an association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for any five or more persons to form themselves into an orphan asylum association for the purpose of receiving, supporting and educating orphan children, upon making and filing a certificate in writing of their organization in the manner hereinafter mentioned.

What certificate shall set forth.

2. *And be it enacted*, That such a certificate in writing shall set forth:

I. The name assumed to designate such association.

II. The place in this State where such asylum shall be located and the objects for which the association shall be formed.

III. The period at which such associations shall commence, which certificates shall be signed by the persons intending to form such association, and shall be proved, or acknowledged and recorded, as required in case of deeds of real estate, in a book kept for the purpose of recording certificates of incorporation in the office of the clerk of the county where such asylum shall be located, and after being recorded, shall be filed in the office of the secretary of state.

Certificate to be evidence.

3. *And be it enacted*, That the said certificate, or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places.

Association to be from time of filing certificate.

4. *And be it enacted*, That upon making said certificate and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall be from the time of commencement fixed in said certificate incorporated into an association by the name mentioned in the said certificate.

Powers enumerated.

5. *And be it enacted*, That all associations that may hereafter be established within this State, under the provisions hereinbefore contained, shall have power as follows:

I. To apply for and accept the guardianship of orphans or children who have no mother, upon giving proper security and complying with the laws of this State relative to guardianships.

II. To bind out such children as shall have been under their care for more than one year, as said association may deem advisable; *provided*, that when the parent of any such child shall pay anything to the said association for its support, the consent of such parent to the exercise by said association of such control over the said child shall be required.

III. To receive and retain all or any such orphan child or children, or child having no mother, as may be placed under their charge, subject to such rules, by-laws

and regulations as may from time to time be passed by the managers of said association.

Board of managers.

6. *And be it enacted*, That any associations organized as aforesaid shall be governed by a board of managers of not less than five or more than fifteen, who shall be elected by the members of the association in such manner as the by-laws may provide, the first election to be held within three months next after filing the certificate of incorporation.

Repealing power.

7. *And be it enacted*, That the legislature shall have the right to repeal this act and the charter of any association at pleasure.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXXIII.

An Act to regulate the practice of pharmacy.

Store for retailing, dispensing or compounding drugs and medicines to be managed by a registered pharmacist.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of January, one thousand eight hundred and seventy-eight, it shall be unlawful for any person or persons to open or conduct any pharmacy or store for retailing, dispensing or compounding drugs or medicines, unless such person shall be or shall employ and place in charge of such pharmacy or store, a registered pharmacist, within the meaning of this act; and every pharmacy or store kept open for the retailing, dispensing and compounding of medicines, shall be under the direct personal care and management of a registered pharmacist.

Penalty for not being or having in employ a registered pharmacist.

2. *And be it enacted*, That any person not being or having in his employ a registered pharmacist, within the meaning of this act, who shall, after the first day of January, one thousand eight hundred and seventy-eight, keep a pharmacy or store for retailing or compounding

medicines, or who shall take, use or exhibit the title of registered pharmacist, shall, for every such offence, be liable to a penalty of fifty dollars; such penalty to be sued for and recovered by the board of pharmacy hereinafter mentioned, in the same manner provided by the statutes of this State for the recovery of penalties in other qui tam actions; *provided*, that nothing in this act shall apply to or in any manner interfere with the business of any physician, nor prevent him from supplying to his patients such articles as may seem to him proper, nor with the making or vending of patent or proprietary medicines, nor with the sale of the usual domestic remedies by retail dealers in rural districts.

Proviso.

Board of pharmacy to be appointed by the governor.

3. *And be it enacted*, That on or before the first day of July, one thousand eight hundred and seventy-seven, and of every third year thereafter, the New Jersey Pharmaceutical Association shall submit to the governor the names of fifteen pharmacists, doing business within the State, out of which number the governor shall appoint five persons, who shall constitute the Board of Pharmacy of the State of New Jersey; shall hold office for the term of three years and until their successors shall have been appointed and qualified, and within thirty days after their appointment each person so appointed shall take and subscribe an oath before any officer authorized to administer an oath in the State, that they will faithfully and impartially discharge the duties prescribed by this act; and in case of the death, resignation or removal from the State of any member of said board, the governor shall appoint in his place a pharmacist from among the fifteen names last submitted to him, to serve as a member of the board for the remainder of the term.

Term of office.

Duty of the board.

4. *And be it enacted*, That it shall be the duty of the board of pharmacy to examine all applications for registration, to grant certificates of registration to such persons as may be entitled to the same, under the direct provisions of this act, and to such others as it shall judge on examination to be properly qualified to practice pharmacy, to cause the prosecution of all persons violating the provisions of this act, and to report annually to the governor on the condition of pharmacy in the State; it shall meet at least once in three months, shall elect a president, a secretary and treasurer, and shall have power to

Election of officers.

make by-laws for the proper fulfillment of its duties under this act; it shall keep a book of registration open at each county seat in the State, and shall give notice by advertising in at least one newspaper in each county, of the time and place in said county seat when and where such book shall be accessible, and for what purpose kept.

Fee for certificate of registration to persons applying within a certain time.

5. *And be it enacted*, That within a period of ninety days after the publication of said notice, all persons who, at or prior to the passage of this act, have kept or continue to keep a pharmacy or store within this State for dispensing and compounding the prescriptions of physicians, and for the retailing of drugs and medicines, shall apply to or appear before said board of pharmacy for registration, and on payment of two dollars, shall receive from said board a certificate of registration.

Fee for certificate to persons making application to establish a pharmacy or store for compounding medicines, &c.

6. *And be it enacted*, That all persons who, subsequent to the passage of this act, shall purpose to establish a pharmacy or store within this State, for the dispensing and compounding of physicians' prescriptions, or for the retailing of medicines, shall, previous to the opening of the same to the public, appear before or apply to said board of pharmacy for registration, and if after examination by said board, in its judgment qualified to practice pharmacy, such persons shall, on the payment of five dollars, receive from said board a certificate of registration; *provided*, that nothing in this act contained shall affect or apply to any person who holds a diploma from any regularly incorporated college or institute of pharmacy, or from a regularly chartered medical college or university.

Act not to apply to certain persons.

Compensation to members.

7. *And be it enacted*, That the members of said board shall receive the sum of five dollars for each day actually engaged in this service, to be paid from the receipts of fees and penalties collected under the provisions of this act; and that all moneys received by the said board by virtue of the act empowering it to levy and collect contributions, and prosecute for and recover penalties, shall be paid into the treasury of the county in which the said moneys may be collected, and that the bills for the services of the said board in said county shall be audited and paid by the treasurer of said county; the balance, if any, after the payment of said bills, shall be added to the general fund of the county.

Moneys, how applied.

Repealer.

8. *And be it enacted,* That all other acts and parts of acts inconsistent with this act are hereby repealed.

9. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXXIV.

An act to amend an act entitled "A supplement to the act entitled 'An act concerning marriages, births and deaths,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April seventeenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That section one of the supplement of which this act is amendatory, which section reads as follows, to wit:

Recital of section to be amended.

"That in any county of this State in which there is now established by law a county board of health and vital statistics, the returns of births, deaths and marriages now required to be made by ministers of the gospel, physicians and other persons shall hereafter be made to said board of health and vital statistics only and in no other manner whatever; and it shall be the duty of the clerk of such board to make annual returns of such births, deaths and marriages to the secretary of state, for which the same fees shall be allowed and paid to the said clerk as are now allowed by law," be and the same is hereby amended so as to read as follows:

Amendment.

That in any county of this State in which there is now established a county board of health and vital statistics, the returns of births, deaths and marriages now required to be made by ministers of the gospel, physicians and other persons, shall hereafter be made by such per-

sons to said board of health and vital statistics only, and in no other manner whatever; and it shall be the duty of the clerk of such board to make annual returns of such births, deaths and marriages to the secretary of state, for which services in making such returns there shall be allowed and paid to said clerk by the board of chosen freeholders of such county, five cents for each and every name returned, upon production of a certificate from the secretary of state of the receipt by him of such returns.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXXV.

An Act entitled "An act for the better preservation of certain State records."

Commissioners authorized to print and distribute an abstract or digest of records, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the commissioners of the state library be and are hereby authorized to compile, and have printed and to distribute among the various state libraries of the United States, to such other public libraries as they may name, and to the various departments and offices of this State, an abstract or digest of such manuscript historical or other records on file in the various offices of the state government as have never been published, or are not now in the state library in a shape suitable for general reference.

Cost of publication to be paid out of state treasury.

2. *And be it enacted,* That the cost of such publication shall be paid out of the state treasury in the manner provided by law, upon the order of said commissioners of the state library.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXXVI.

An Act to encourage land improvement companies organized under special laws of this State.

May take and hold other lands than those authorized by charter.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any land improvement company organized under special charter of this State, shall be and is hereby authorized and empowered, from time to time, to purchase, take and hold, any other lands in this State, in addition to the lands now held, or authorized to be held, by its charter, and to improve, mortgage, lease, sell and dispose of the same in the same manner as is authorized by the act of incorporation of such company, or any supplement thereto; *provided nevertheless*, that such company shall not purchase any such additional land by virtue of this act without the written consent of the stockholders representing a majority of the stock of such company for that purpose.

Proviso.

May borrow money, &c.

2. *And be it enacted*, That any such land improvement company shall have the power, in addition to that already conferred, to borrow from time to time, upon its promissory note, bond, or other obligation, any sum or sums of money for the uses and purposes of said company; *provided*, that said indebtedness shall not at any one time exceed the amount of its paid in capital in cash; *and provided further*, that this act shall not repeal or abridge any rights, powers or privileges conferred upon any such company by its original charter or any acts supplemental thereto.

Proviso.

Proviso.

3. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXXVII.

An Act to extend the time for the completion of railroads whose charters shall expire by limitation during the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, where work has been performed on said railroads and money expended thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever the time limited for the completion of any railroad authorized to be constructed within this State under special acts shall expire during the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, such time shall be and the same hereby is extended for a further period of three years; *provided, however*, that this act shall not apply unless money has been actually expended in surveys and location of route, acquiring rights of way or construction; *and provided, further*, that the provisions of this act shall not apply to any railroad of this State where the same has been sold by a receiver of the court of chancery, and the purchaser or purchasers thereof, or his or their assigns, have failed or shall fail to complete the railway within the time limited by the provisions of its charter. Time for completion of road extended. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXXVIII.

A Supplement to an act entitled "An act to reorganize the courts of law," approved February ninth, eighteen hundred and fifty-five.

Proceedings for trial where parties waives an indictment and trial by jury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any county in this state in which a counsellor at law, of not less than five years' active practice, shall have been appointed one of the judges of the court of common pleas, orphan's court and court of general quarter sessions of the peace for said county, and in which there shall be no law judge, appointed as such, any person shall be charged, upon oath, before any justice of the peace, or police justice, or any other officer authorized by law to hear said charge in said county, with any offence now triable at law before the court of general quarter sessions of the peace of said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive an indictment and trial by jury, and request to be tried immediately, it shall be the duty of the said prosecutor to apply to said judge, being such counsellor at law, for the immediate trial of such person; and

Judge to call a special quarter sessions of the peace.

said judge, unless he shall think the public interests will be benefited by denying such request, shall call a court of special quarter sessions of the peace, to be composed of himself and at least one other of the members of said court, which court is hereby empowered and required to try such person with all due speed, having regard to all the circumstances of the case, the public benefit, and the possibility of obtaining necessary witnesses, and to determine and adjudge the guilt or innocence of the person charged; and if such person be acquitted by said court,

Proceedings in case of conviction.

he or she shall forthwith be discharged; if he or she shall plead guilty, or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law in

case such person shall be duly indicted and convicted; and it shall be the duty of said prosecutor to attend on such trial in person or by deputy, and prefer to said court an allegation, in writing, alleging the time, place and nature of the offence with which such person is charged, to which such person shall forthwith plead; and the proceedings for bringing such person to trial before said court, the accusation, plea, trial and sentence shall be in conformity with the law and practice heretofore, except so far as the same is altered by this act; and the costs of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county are now taxed and paid, but not including any costs of indictment except the fees of the prosecutor of the pleas, which shall be the same.

Costs, how taxed and paid.

2. *And be it enacted*, That the clerk of said county shall be the clerk of said court hereby provided for, and shall issue all processes, whether of capias, subpœna or execution, which shall be required in carrying out this act, which processes shall be delivered to the sheriff of said county, and shall be by him served and returned under the same regulations and with the same compensation as heretofore; and the said sheriff shall be the officer of said court and exercise the same direction and supervision of all constables and subordinate officers attending said court, and in all other things pertaining to the office, as heretofore.

Clerk of the county to be clerk of the court.

Sheriff to be the officer of the court.

3. *And be it enacted*, That in all matters within the jurisdiction of the said several courts, relating to the practice and settlement of legal rules and questions, the said judge shall, in the absence of the justice of the supreme court, have exclusive power and authority to determine such rules, questions and practice.

Judge to determine rules, &c., in absence of the justice of supreme court.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXXXIX.

A Supplement to an act entitled "An act for the incorporation of fire companies," approved April twenty-first, one thousand eight hundred and seventy-six.

Exemption from militia and jury duty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall have served seven years as a member of any fire company organized under the act to which this is a supplement, shall be thereafter exempt from serving in the militia in the time of peace or as a juror, in which latter case he shall not be entitled to such exemption, unless he shall have filed in the office of the clerk of the county in which he shall reside, a certificate of such service made by the presiding officer of such company.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXL.

An Act to establish a state board of health.

Board, how constituted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall appoint seven persons, who, together with the secretary of state and attorney general as ex-officio members, shall constitute the board of health of the State of New Jersey; the persons so appointed shall hold their offices for seven years; *provided*, that the terms of office of the seven first appointed shall be so arranged that the term of one shall

Proviso.

expire each year, and the vacancies so created, as well as all vacancies occurring otherwise shall be filled by the governor.

Duties of the board.

2. *And be it enacted,* That the board shall take cognizance of the interests of health and life among the citizens of this State; they shall make sanitary investigations and inquiries in respect to the people, the causes of disease, and especially of epidemics and the sources of mortality, and the effects of localities, employments, conditions and circumstances on the public health; and they shall gather such information in respect to these matters as they may deem proper for diffusion among the people; they shall also make inquiries and reports in reference to diseases affecting animals, and the methods of prevention; they shall appoint a chairman, who shall call meetings as often as every three months, or when requested to do so by three members of the board; they shall, in the month of December, make report to the governor of their investigations and opinions during the year ending December first, with such suggestions as they may deem necessary; *provided*, that the provisions of this act shall not apply to any city, borough or township in which there is a local board of health.

Report to be made to the governor.

Proviso.

Election of secretary.

3. *And be it enacted,* The board shall elect a secretary from their own number who shall superintend the work prescribed in the law, as the board may require; the entire expense in prosecuting inquiries and securing the desired information shall not exceed one thousand dollars; and said amount shall be payable by the comptroller on account rendered, and signed by the president and secretary of the board and approved by the governor.

Expenses, how paid.

4. *And be it enacted,* That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXLI.

An Act to authorize the purchase of steam fire engines in incorporated towns, and providing means for the payment of the same.

Towns of not more than twenty-five hundred inhabitants may purchase steam fire engine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of any incorporated town in this State, whose population does not exceed twenty-five hundred inhabitants, to purchase a steam fire engine and the necessary appliances to use the same, at a cost not to exceed five thousand dollars.

May issue bonds in payment.

2. *And be it enacted*, That in case any common council shall desire to purchase a steam fire engine, the said common council may issue town bonds; said bonds shall be issued for no other purpose than for the payment of the said engine, and shall be signed by the mayor and countersigned by the clerk of the said town; *provided, however*,

Proviso.

that before any such bonds shall be made or issued the following condition shall be complied with and observed: a petition requesting the said common council to issue such bonds, and the purpose for which they are to be used, shall be presented to the said common council, signed by a majority in number of the holders of real estate of said town, which said petition shall be verified by the oath of the assessor of the said town that it is so signed; the said common council shall, on receiving such petition, cause a resolution to issue such bonds to be submitted to the legal voters of such town by causing such resolution to be written or printed on ballots, underneath which shall be written or printed the words "for the above resolution," or "against the above resolution," which vote may be taken either at the annual town meeting or at a special town meeting to be called by the said

Proviso.

common council for that purpose; *provided, further*, the bonds hereby authorized shall bear interest at a rate

not exceeding seven per centum, and shall not be sold or disposed of for less than their par value.

Election may be held at a special town meeting called for the purpose.

Voting to be by ballot.

3. *And be it enacted,* That in case such vote is taken at the regular annual town meeting, the said resolution may be printed or written, or partly printed or partly written, on the ballots used at such town meeting; and in case a special town meeting is called for that purpose, the ballots to be used shall contain only the said resolution and the words thereunder as mentioned in the preceding section; and that the said common council shall give at least ten days' notice of such special town meeting, specifying the time and place where such town meeting shall be held and the purpose and object thereof, by notices printed or written, posted in five or more of the most public places in said town; and the result of said town meeting as to the said resolution shall in either case be certified to the said common council by the judge of election presiding at such town meeting and the town clerk, under their respective hands; and in case a majority of the legal voters as shall appear by such certificate shall have voted for such resolution, then such common council shall proceed to issue such bonds forthwith, and use the same for the purpose expressed in said resolution; and such bonds shall not be sold or disposed of in any way or manner for less than their par value.

Expense of special town meeting to be paid in same way as for annual meetings.

4. *And be it enacted,* That in case a special town meeting be held for the purpose mentioned in this act, the same shall be held and conducted in the same manner in which the annual town meeting is held and conducted, and that the expenses thereof shall be paid in the same way.

5. *And be it enacted,* That this act shall be a public act and shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXLIII.

A Supplement to an act entitled "An act concerning executors and the administration of inestate's estates," approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

Proceedings in case of death of executor of an estate without having fully settled and obtained an allowance by the orphans' court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in any case where the executor of an estate hath died, or shall die, without having fully settled up and obtained an allowance, before the orphans' court of the county in which his letters testamentary were granted, or before other proper court, of his account of the administration of the estate of his testator, it shall be lawful for the executor or executors, administrator or administrators of such deceased executor, to exhibit to the surrogate of said county, in order to have the same duly settled and allowed, an account of the receipts and disbursements by said executor in his lifetime, of the assets of the estate of his said testator, or of so much thereof as may remain unsettled at the time of the death of said executor, and the account so exhibited to said surrogate shall be by him audited and stated in the same manner as required by law in regard to accounts of executors and administrators in other cases, and he shall place the same on file in his office, subject to the inspection of any person interested therein, for at least twenty days previous to the same being presented to said orphans' court for confirmation and allowance; and said surrogate shall report and present the same to said court for that purpose, in the same manner as by law he is directed to report and present the accounts of executors and administrators, audited and stated by him in other cases; and the said orphans' courts are hereby authorized and required to take cognizance of the said account, and to proceed and act thereon as is by law required, in regard to the accounts of executors and administrators audited and reported to them by

the surrogate in other cases, and to make all orders and decrees which said court may deem necessary for the purpose, and to confirm and allow said account in whole or in part, as the said court shall deem right and according to law; and the orders and decrees of said court in regard to the same shall be binding and conclusive upon all parties and persons in interest, until the same shall be reversed or set aside according to law; and any person feeling aggrieved by any order or decree of said court in the premises may appeal therefrom to the same court, and in the same manner and under the same restrictions, as appeals may be taken from the orders and decrees of said court in regard to the settlement of accounts of executors and administrators in other cases.

Notice to be given of intention to exhibit account for settlement.

2. *And be it enacted*, That any executor or executors, administrator or administrators, intending to exhibit for settlement such account as is mentioned in the first section of this act, shall give notice of his intention so to do, by advertisement in the same manner and for the same length of time as is required by law in case of settlement of accounts of executors and administrators before the orphans' court in other cases, and due proof of such advertisement having been made, shall be made to said court when said account is submitted to them for settlement and allowance.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXLIV.

An Act to authorize the municipal authorities of the cities in the State of New Jersey to fix and regulate the salaries of their officers.

Annual salary shall be fixed by ordinance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the

board of aldermen or common council of any incorporated city of this State, to fix by ordinance the annual salary of each person elected by the people or appointed by such board of aldermen or common council to any office in any such city, and the time and the manner of the payment thereof; *provided*, that the salary of the members of such board of aldermen or common council shall not be increased beyond the amount now fixed by law for said boards respectively; *and provided, further*, that nothing in this act shall be construed to authorize the payment of a salary to any city officer not now entitled by law to receive a salary, but the salary of no city officer shall be altered during the term for which he has been or may be appointed; *provided*, that no salaries of officers or clerks in the finance department of any city wherein there are now commissioners of the sinking fund established by law, whether such salaries are fixed by statute or otherwise, shall be changed without the consent of a majority of such commissioners.

Proviso.

Salary not to be changed during the fiscal year.

2. *And be it enacted*, That no salary, when so fixed by ordinance, shall be changed during the fiscal year for which it shall have been fixed, but said board of aldermen or common council may, at the commencement of any fiscal year, by ordinance, change any such salary as in the judgment of said board of aldermen or common council the welfare of the said city may require.

Act not to apply to certain cities.

3. *And be it enacted*, That this act shall take effect immediately, but this act shall not apply to cities having over fifty thousand inhabitants, nor shall this act be construed to apply to the salaries of teachers in any of the public schools of this State.

Approved March 9, 1877.

CHAPTER CXLV.

An Act relating to assessors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any assessor in any city, town or township in this State shall not immediately after the expiration of his term of office, or after he shall have vacated or been removed from office, deliver over to his successor in office all the property, books and papers belonging to such city, town or township, or appertaining to such office or its duties, including his field book or books used during his term of office, and all memoranda concerning property, real or personal, in said city, town or township in this State, or the valuations thereof used by him during his term of office, every such assessor shall be deemed guilty of a misdemeanor, and on being thereof convicted shall be punished by fine not exceeding one thousand dollars or imprisonment at hard labor for any term not exceeding one year, or both, at the discretion of the court.

Penalty for not delivering to successor in office property, books, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXLVI.

An Act in relation to assessments in townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the costs, damages and expenses of any improvement other than for the

Collection from municipal corporations of moneys paid for assessments for improvements, &c., stayed and delayed in certain cases.

laying of sidewalks in any township in this State, made under and by virtue of the provisions of any special law of this State, have been assessed wholly upon the line of such improvement or upon the owners of the lands along such lines, or where assessments for benefits for such local improvements have been or may hereafter be set aside by the courts of this State, any owner or owners of any lands so assessed who shall have paid or shall hereafter pay the sums of money so assessed against them or their said lands for such improvements, shall be stayed and delayed in the collection of such moneys from such municipal corporation until such time as a re-assessment for benefits for such improvements shall have been made as hereinafter set forth; *provided, however*, that interest upon the sums of money so paid as aforesaid for such assessments shall be collected on final settlement from said municipal corporations at the rate of seven per cent. per annum from the date of the payment of said assessments up to the time of final adjustment; *and provided, further*, that such re-assessment shall be made within two years from and after the passage of this act; in all cases where such void assessments have been made or assessments so set aside, and in cases where assessments for benefits for local improvements shall be hereafter set aside, such re-assessments shall be made and completed within twelve months from the date of the setting aside of said assessments; *and provided, further*, that in cases where such re-assessments are made and completed within the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid shall become at once due and payable, and shall be applied in settlement of said re-assessments, and the balance, if any, refunded to the person or persons entitled legally thereto.

Proviso.

Proviso.

Proviso.

Proceedings in cases in which re-assessment shall be necessary.

2. *And be it enacted*, That in all cases in which such re-assessment shall be necessary, and in all cases in which an assessment for costs, damages and expenses which have been heretofore incurred, or which may be hereafter incurred, for any public improvement in any such township authorized by any special law as aforesaid shall be necessary, the township committee of the township in which such assessments or re-assessments shall be necessary to be made shall cause notices to be set up in three of the most public places in such township, one of which

Public notices to be set up.

shall be along the line of such improvement, which notices shall state that application will be made on a certain day and place, in such county therein named, to the circuit court of the county in which such township is situate for the appointment of three disinterested freeholders, resident in such county, as commissioners to make such re-assessment, and shall be signed by the clerk of such township and set up as aforesaid at least five days prior to the time specified therein for such application; and such circuit court, when applied to as aforesaid, upon due proof that such notices have been set up as aforesaid, on which the judgment of such court shall be final and conclusive, is hereby authorized and required to appoint three freeholders as aforesaid as such commissioners, by rule entered in the minutes of such circuit court; and in case of death, resignation, refusal to serve, or disability of any such commissioner, the vacancy shall be filled as soon as may be by said court on application.

Appointment of commissioners.

3. *And be it enacted*, That as soon as may be after such appointment such commissioners shall proceed to make such re-assessment or assessment, and in so doing shall assess upon all the tracts or lots of land and real estate benefited by such improvement such proportion of such costs, damages and expenses as will be equal to the amount of benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire, and shall make a report of their proceedings and assessments to such court within thirty days after their appointment; and upon the coming in of any such report, signed by the said commissioners, or any two of them, the said court shall cause notice to be given as it shall direct of the time and place of hearing any objection that may be made to such assessment, and after hearing any matter which may be alleged against the same the said court shall, by rule or order, either confirm the said report or refer the same to the same or to new commissioners, to be appointed by the said court, to reconsider the subject matter thereof; and the said commissioners to whom the said report shall be so referred shall return the same report corrected and revised, or a new report to be made by them in the premises, to the said

Commissioners shall proceed to make re-assessment or assessment equal to amount of benefits actually acquired.

Report to be made to the circuit court.

Report when confirmed to be final and conclusive.

court without unnecessary delay, and the same, on being so returned, shall be confirmed or again referred by said court in manner aforesaid as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm, and such report, when so confirmed by said court, shall be final and conclusive, as well upon the said township as upon the owner of any land and real estate affected thereby; and the said court shall thereupon cause a certified copy of said report to be transmitted to the clerk of such township, with a certified copy of the rule of said court confirming said report, and the assessment so made shall be thereupon collected as authorized by the special law under which such costs, damages and expenses were incurred; and in case the said costs, damages and expenses shall exceed the amount of said benefits, such excess shall be a debt upon and paid by the township in which such improvement is made out of moneys raised by general taxation for that purpose.

Compensation to the judge.

4. *And be it enacted,* That the judge of the said court who shall perform the services aforesaid shall receive the following compensation, to wit: for the appointment of the said commissioners, the sum of five dollars; for the hearing of the objections to any report, the sum of five dollars; for every day he shall sit to hear the same and upon the confirmation of any such report, the sum of five dollars, to be paid by the township in which such improvement is situate.

May make such rules as are deemed expedient.

5. *And be it enacted,* That the said court may make such rules, not inconsistent with this act, for the regulation of the practice and procedure under the same as shall be deemed expedient.

Repealer.

6. *And be it enacted,* That all acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXLVII.

An Act for the better securing of wages to workmen and laborers in the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or corporation in this State to issue for payment of labor, any order, or other paper whatsoever, unless the same purport to be redeemable for its face value, in lawful money of the United States, by the person giving or issuing the same; *provided, however*, nothing in this act contained shall be held to prevent any employer from making any deduction for money due him from any laborer or employee. Orders in payment of labor prohibited. Proviso.

2. *And be it enacted*, That if any person or corporation shall issue for payment of labor any paper in violation of the first section of this act, he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars, at the discretion of the court. Penalty for violation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXLIX.

An Act concerning the granting of licenses to sell strong and spirituous liquors, wine, ale and beer within the limits of incorporated cities.

Time when licenses shall expire.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each and every city in this State, whose charter or its supplements provide that all licenses for the sale of strong and spirituous liquors, wine, ale and beer within the limits of such city shall be granted by a board of excise commissioners consisting of resident freeholders of such city, nominated by the mayor and confirmed by the common council of such city; all licenses hereafter granted by such board of excise commissioners for the sale of ale, beer and light wines, as hereinafter provided, shall expire on the first day of July next succeeding the granting of any such license.

Amount which may be charged as license fee.

2. *And be it enacted*, That the license fee to be hereafter charged by such board of excise commissioners for selling strong and spirituous liquors, wines, ale and beer shall be not exceeding seventy-five nor less than fifty dollars, and that the license fee for the sale of ale, beer and light wines shall not exceed twenty-five nor be less than fifteen dollars, for the term of one year from the date of any such license; that such board of excise commissioners shall grant license for the sale of strong and spirituous liquors, wine, ale and beer, or for the sale of ale, beer and light wines for any part of a year, not less than one month next preceding the first day of July, every such license so granted to expire as provided in the first section of this act; that the license fee to be charged and assessed by such board of excise commissioners for the sale of strong and spirituous liquors, wine, ale and beer for a less time than one year, shall be at the rate of not more than seven nor less than four dollars a month for each month of the unexpired year; that the license fee for the sale of ale, beer and light wines for a less time than one year

When issued for less than one year.

shall be at the rate of not more than three nor less than one and a half dollars a month for each month of the unexpired year; and that all fees for license shall hereafter accompany any and all applications for license, such fee to be returned to the person or persons applying for license in all cases where applications for license are refused by such board of excise commissioners.

Board of excise may transfer license.

3. *And be it enacted*, That any such board of excise commissioners may at their option transfer any license by them granted to any person or persons, to any other person or persons who shall apply to them for such transfer; *provided*, that such board of excise commissioners shall be satisfied that any such person or persons are of good moral character, and upon the payment of a transfer fee of three dollars; that any transfer of license shall be written or printed upon the face of any such license, and any such transfer shall entitle and authorize any person or persons to continue at the same place of business the sale of strong and spirituous liquors, wine, ale and beer, or ale, beer and light wines, as provided and mentioned in any and every of such licenses respectively.

Proviso.

Penalty for selling without license.

4. *And be it enacted*, That whoever shall sell any strong or spirituous liquors, wines, ale or beer, in quantities less than five gallons at a time, at any place within such incorporated city without having a license therefor granted by such board of excise commissioners, shall on conviction thereof, according to the form of the statute in that behalf made and provided, forfeit and pay such sums as may be fixed by the special police justice before whom such conviction shall be had; *provided*, the amount of such forfeiture or fine for any one violation of the provisions of this act, shall not exceed the sum of fifty dollars.

Proviso.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with any of the provisions of this act, concerning all incorporated cities mentioned in the first section of this act, be and the same are hereby repealed, and this act shall take effect immediately; *provided*, that the provisions of this act shall not apply to any city having by the last census less than one hundred thousand inhabitants.

Proviso.

Approved March 9, 1877.

CHAPTER CL.

An Act constituting "District Courts" in certain cities in this State.

District courts established.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be constituted in certain cities in this State, in this act hereinafter designated, courts to be designated district courts of the cities respectively wherein said courts may be established.

Cities in which court shall be established.

2. *And be it enacted*, That one district court shall be established in accordance with this act in every city of this State of fifteen thousand inhabitants, but cities of one hundred thousand inhabitants or over shall be entitled to two district courts; *provided, always*, that no more than two district courts shall at any time be established in any city of this State.

Proviso.

District courts to be courts of record.

3. *And be it enacted*, That said courts shall be courts of record, and have official seals, and all persons shall be amenable to punishment for contempt of said courts in the same manner as in other courts of record of this State having power to punish for contempt of court, and licensed attorneys shall not be necessary in the prosecution or defence of any suit or proceeding in said courts.

Appointment of judges.

4. *And be it enacted*, That the judges of said courts shall be nominated by the governor and appointed by him by and with the advice and consent of the senate, and shall continue in office for five years from the date of their commission.

Ministerial officers.

5. *And be it enacted*, That the ministerial officers of said courts shall be a clerk, and the constables of the city and county wherein said courts may be established; the clerk of each of said courts shall be appointed by the judge thereof, and shall hold his office until the appointment of his successor.

Suits which are made cognizable.

6. *And be it enacted*, That every suit of a civil nature at law, where the debt, balance, or other matter in dispute does not exceed, exclusive of costs, the sum or value

of one hundred dollars, shall be and hereby is made cognizable in any district court of this State in the cities where they may be established to hear, try and determine the same according to law, although the cause of action did not arise in said city; said district courts shall have jurisdiction, exclusive of all other courts whatsoever, in all cases arising under this act, where the party defendant resides within the corporate limits of the city wherein said court or courts shall be established; *provided, always*, that this act shall not extend to any action of replevin, slander, trespass for assault, battery or imprisonment, nor to any action wherein the title to any lands, tenements, hereditaments or other real estate shall or may in any wise come in question.

Jurisdiction.

Proviso.

7. *And be it enacted*, That whenever the amount really due or recoverable upon any bond, bill, note or other contract in writing, does not exceed, exclusive of costs, the sum or value of one hundred dollars at the time when the suit is instituted, such amount shall be recoverable in said district courts, without regard to any kind of penalty expressed therein, in the same manner as any other debt or demand of two hundred dollars or under is made recoverable by this act.

Amount exclusive of costs recoverable.

8. *And be it enacted*, That where the debt, balance or other matter in dispute, or amount really due or recoverable as aforesaid, exceeds, exclusive of costs, the sum or value of two hundred dollars, the plaintiff may recover in such court a sum not exceeding two hundred dollars and costs, but such recovery shall be a bar to the recovery of the residue of such debt, balance or other matter in dispute in any court whatsoever.

Amount which may be recovered when matter in dispute exceeds two hundred dollars.

9. *And be it enacted*, That nothing in sections seven or eight of this act shall be held or construed as conferring jurisdiction upon any district court in any of the cases excepted out of the jurisdiction of a district court by section six.

Certain sections not to be construed as conferring jurisdiction in certain cases.

10. *And be it enacted*, That every sum of money or penalty, not exceeding two hundred dollars, to be sued for and recovered by virtue of any law of this State, in any court of record, or in any court having cognizance thereof, shall be and hereby is made cognizable before any judge of any district court in manner aforesaid.

Every sum of money, &c., not exceeding two hundred dollars to be sued for, &c., made cognizable before any judge of any district court.

Action may be entered without process by agreement of parties.

11. *And be it enacted*, That parties may agree to enter without process any action before a judge of a district court, to the decision of which he is competent, if process had been executed, and the court shall proceed thereon to final judgment and execution, in the same manner as if a summons or warrant had been issued and duly served.

Corporate bodies may sue and be sued in district court.

12. *And be it enacted*, That any body politic or corporate in this State may sue and be sued in any district court, in any action or proceeding over which said court has jurisdiction; and all attorneys at law shall and may be sued in said court in like manner, or form of action, as other citizens of this State are liable to be sued in said court.

Final determination of proceedings undetermined by any judge at the expiration of his term of office.

13. *And be it enacted*, That any judge of any district court whose term of office may hereafter expire, shall proceed to the final determination of any cause or proceeding then undetermined before him, and also make return to all writs to him directed, issuing out of any court in this State, in the same manner as if his term of office had not expired.

Territorial jurisdiction.

14. *And be it enacted*, That the territorial jurisdiction of every judge of any district court under this act shall be coextensive with the limits of the city for which he is appointed and commissioned; his writs, precepts and process shall run in and through such county, and he may, in causes pending before him, award writs of subpœna for witnesses into other counties of this State.

B—PROCESS.

Process, &c., to be tested the day on which issued.

15. *And be it enacted*, That all the precepts, summons, warrants, writs and other process of said district courts, shall be tested the day on which they are respectively issued, in the name of the judge and signed by the clerk thereof.

Penalty for issuing blank summons or warrant.

16. *And be it enacted*, That if any clerk of said district courts shall sign his name to any blank summons or warrant, and allow any constable or other person to fill up the blank or blanks in the said process, without the special direction of the said clerk, and in his presence, and shall afterwards issue the said process, or suffer the same to be served, such clerk shall be deemed guilty of misbe-

havior in office, and, on conviction thereof, shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, by any person who shall prosecute for the same, in any court having jurisdiction of the case, one-half for the use of the person prosecuting, and the other half for the township in which such clerk shall reside.

When service of summons or warrant is to be deemed void.

17. *And be it enacted*, That the service of any summons or warrant which shall have been issued by any clerk as aforesaid in blank, and afterwards filled up by the constable or other person, without the special directions of said clerk as aforesaid, shall be taken and considered to be altogether void, and any judgment or other proceeding afterwards had or taken in consequence of such service, or founded thereupon, shall be void and of no effect.

Capias ad res.

Proviso.

18. *And be it enacted*, That the first process to compel appearance shall be a summons or warrant in the nature of a capias ad respondendum; *provided*, that no warrant shall issue against the body of any female; the summons may be used in any case whatsoever; the warrant shall only be used in the following cases:

Proceedings when process shall issue upon contract express or implied.

I. Where the defendant is not a freeholder and resident of the county in which process shall issue, where the action being founded upon contract express or implied, due proof is made, on oath or affirmation, to the satisfaction of the judge, of the amount of the debt or damages claimed, and that there is a debt or demand founded upon contract, express or implied, due to the plaintiff from the defendant, specifying the nature and particulars of said debt or demand, and establishing by the oath or affirmation of the plaintiff, or some other person, to the satisfaction of the judge, one or more of the following particulars: that the defendant is about to remove any of his property out of the jurisdiction of the court in which an action is about to be commenced, with intent to defraud his creditors; or, that the defendant has property or rights in action which he fraudulently conceals; or, that the defendant fraudulently contracted the debt or incurred the obligation respecting which such suit was brought;

When action is founded on tort.

II. Where the defendant is not a freeholder and resident of the county in which such process shall issue, and where, the action being founded upon tort, due proof is

made, on oath or affirmation, to the satisfaction of the judge, of the amount of the damages claimed, and of such other facts and circumstances as would, by the practice of the supreme court, warrant a justice thereof in making an order to hold to bail in a case of tort;

On assignment with intent to defraud, &c.

III. If the defendant be a freeholder and resident of the county in which such process shall issue, and due proof is made, on oath or affirmation, to the satisfaction of such judge, that the defendant has assigned or disposed of, or is about to assign or dispose of, all his land lying in said county, with intent to defraud his creditors, then such defendant may be held to bail in like manner and upon the same proof that would warrant his arrest in case he were not a freeholder and resident in the county in which such process shall issue.

Judge to make order that warrant issue.

19. *And be it enacted*, That upon proof made as aforesaid the judge shall make and subscribe an order that a warrant issue against the defendant for such amount as such proof shall justify and require; but before said warrant issue, such order, and the affidavit or affidavits upon which the order is founded shall be filed by said judge.

Defendant may apply to justice of supreme court or law judge of common pleas to set aside order on giving bond, &c.

20. *And be it enacted*, That if the defendant be arrested upon such warrant he may, at any time before the trial of the cause, make application to a justice of the supreme court, or to the law judge, if any, of the court of common pleas of the county in which such process issued, or to any supreme court commissioner, to set aside said order, the defendant having first given reasonable notice to the plaintiff of such application, and the giving bond or entering into recognizance in manner hereinafter directed shall be no waiver of the defendant's right to make such application; and if such justice of the supreme court, law judge or commissioner shall deem the proof made insufficient to warrant an arrest, he may order that the order made by the judge of said district court be set aside; such order setting aside the order of the judge of said district court, shall thereupon operate as a discontinuance of the suit in which such warrant issued, the bond or recognizance, if any, shall become void, and the plaintiff shall be forever thereafter barred from proceeding against the body of the defendant for the same cause of action, but he may proceed against the defendant by

Proceedings when order is set aside.

summons, in the same manner as if no other proceeding had been instituted.

Order for discontinuance to be filed with judge issuing warrant.

21. *And be it enacted,* That the order made by the justice of the supreme court, law judge or commissioner, shall be filed with the judge who issued the warrant, and such judge shall furnish certified copies thereof to the parties or their agents on request.

Summons, when to be made returnable.

22. *And be it enacted,* That the summons shall be made returnable between the hours of nine o'clock in the forenoon and three o'clock in the afternoon, both inclusive, and shall specify a certain place and time, not less than five nor more than fifteen days, from the date of such process, and shall be served at least five days before the time of appearance mentioned therein, by reading the same to the defendant, and delivering to him a copy thereof, if he or she shall be found, and if not found, by leaving a copy thereof at his or her house or place of abode, in presence of some person of the family, of the age of fourteen years, who shall be informed of the contents thereof, and the constable serving such summons shall, on the oath of his office, endorse thereupon the time and manner he executed the same, and sign his name thereto.

Service of summons on corporate body, how made.

23. *And be it enacted,* That if the defendant be a body politic or corporate the summons may be served on the president, treasurer, cashier or clerk of said corporation if found, and if not found, on any of the directors or managers thereof, in the manner hereinabove directed.

Payment of amount of demand and costs to constables shall be a full discharge of the debt.

24. *And be it enacted,* That the said clerk shall enter in the body of every summons or warrant, the sum demanded (and endorse the same, with costs, on the said summons or warrant,) which he shall issue by virtue of this act; and if the defendant think proper to pay such debt, damages or demand, with costs, so entered or endorsed, without any further proceedings in the cause, then it shall be lawful for the constable to receive the same, and his receipt shall be a full discharge to such defendant from such debt, damages or demand, and costs aforesaid; and if any constable shall not pay the money so by him received for such debt, damages or demand, to the clerk issuing such process, or to the plaintiff in the said process, or his legal representative, within fifteen days after he shall have received the same, then such

Constable to pay money received within fifteen days.

constable shall be liable to pay to such plaintiff or his legal representative, the amount of the said debt, damages or demand, with interest, to be recovered by action of debt, with double costs.

Warrant to be returnable forthwith.

25. *And be it enacted*, That the warrant commanding the defendant to be arrested shall be returnable forthwith after service thereof; and the constable serving said warrant shall, according to the tenor thereof, forthwith convey the said defendant before the judge who issued the same, who shall thereupon, at his discretion, either cause the said defendant to enter into recognizance in the manner hereinafter mentioned, or on neglect or refusal, shall command the said constable to convey the said defendant to the jail of the county, to be there detained in custody until time may be had for the hearing or trial of the cause, not exceeding three days from the time of the return of the said warrant, or such judge may direct the said constable to hold the said defendant in custody, until the plaintiff shall be notified and have time to appear and proceed to such hearing or trial; and the constable who served the said warrant as aforesaid shall, on the oath of his office, endorse thereon the execution of the same, and sign his name thereto; *provided always*, that it shall not be lawful to arrest or imprison the person of any female by virtue of any mesne process or process of execution in any civil action; *and provided also*, that if any person or persons whatsoever shall hereafter be arrested by virtue of such warrant, it shall be lawful for the constable who served the same, to permit the defendant to enter into bond to the plaintiff, with a good and sufficient freeholder, resident in the county, to the amount of the debt or damages and costs endorsed on the warrant, for his, her or their appearance on the day and hour mentioned in the bond, not more than eight days (excluding Sundays) from the service of the warrant; the bond to be entered into by the defendant shall be in the form and to the effect following, to wit: "We, A. B. and C. D., do hereby acknowledge ourselves indebted to E. F. in the sum of to be paid to said E. F. on the following conditions: that if the said A. B. shall be and appear before the judge of the district court of on the day of at o'clock noon, and answer unto the com-

Judge may direct that the defendant be held in custody.

Proviso.

Proviso.

Form of bond.

plaint of the said E. F., then this bond to be void, or else to be and remain in full force and virtue; in witness whereof we have hereunto set our hands and seals, the day of in the year of our Lord one thousand eight hundred and ; sealed and delivered in the presence of G. H., I. K.; signed A. B. and C. D.;" which bond the said constable is hereby ordered and directed, when taken, to deliver to the judge on the return of the warrant, to be by him filed in his office to and for the use of the plaintiff, for which service the constable shall be entitled to thirty-five cents costs, to be paid by the defendant, and not recoverable by him from the plaintiff; and in all cases, the said constable shall attend at the said district court, on the day and hour mentioned in said bond, to be there and then ready to secure and take into his custody the said defendant; and if the said judge shall not be found at his dwelling, or usual place of holding trials, the defendant shall be permitted to renew his bond, with sureties as aforesaid, for his appearance at some future day, not exceeding ten.

Costs to constable for taking bond to be paid by defendant.

When bond may be renewed.

26. *And be it enacted*, That the recognizance directed in the twenty-fifth section of this act, shall be entered into by the defendant, with at least one surety, having sufficient freehold, and residing in the county, to the plaintiff in the said action, in the amount of the demand specified in the warrant, according to the effect and meaning of the following form, that is to say:

Sureties to be given in recognizance.

"City of , county of , to wit:

Form of recognizance.

Whereas, A. B. hath been arrested and is now in custody, by virtue of a warrant issued by C. D., judge of the district court in and for the said city, at the suit of E. F., in an action of for the sum of ; now, be it remembered, that on the day of in the year of our Lord one thousand eight hundred and , the said A. B. and G. H., of the city aforesaid, personally appeared before me, the said C. D., and jointly and severally acknowledged themselves to owe to the said E. F. the sum of to be made and levied of their several goods and chattels upon condition that if the said A. B. shall not appear on the day of next, before the said judge, or if he does appear and is condemned in the said action, at the suit of the plaintiff, that he shall pay the costs and condemnation money, or surren-

der him up to the constable, on the execution to be thereafter issued against him, on the day judgment shall be obtained, and if he fails so to do, that he, the said G. H., will pay the said costs and condemnation money for him, and suffer judgment to be entered up against him for the same.

Acknowledged the day and year last above said, before me, C. D., the judge of the district court in and for the said city of ;" and every judge of any district court is hereby empowered and directed to take such recognizance, which shall remain with such judge, for the benefit of the plaintiff in the suit.

C—PLEADING.

Name and style of action.

27. *And be it enacted,* That all suits brought or commenced before any judge of any district court in this State, on any bond or other specialty, note of hand, bill of exchange, book account, or any other demand founded on simple contract for the payment of money only, shall be in the name and style of actions of debt, any law, usage or custom to the contrary notwithstanding.

When plaintiff may be non-suited.

28. *And be it enacted,* That the plaintiff in such suit shall, on or before the return day of the said summons, or on the return of the warrant, or at the time of appearance specified in the recognizance, deliver or cause to be delivered, to the judge before whom the action is to be tried, a copy of his or her account or state of demand against the defendant, and in default thereof the said plaintiff shall be non-suited, with costs; and if the defendant have any account or demand against the plaintiff, he shall be permitted to discount or set off the same against the account, debt or demand of such plaintiff; but such copy of his or her account, or state of his or her demand, so intended to be set off, shall be delivered to the said judge, on or before the return day of the summons, or on or before the day to which the hearing shall be first adjourned; or, if on a warrant, then at the time of hearing of the cause; and in default thereof, the said account or demand shall not be received in evidence on the trial of the said cause; but if the said warrant shall not have been executed three days prior to the day of hearing, then the said defendant, if he or she have any

Set-off.

When to be filed.

Further time allowed to file set-off.

account or demand to set off, and will enter into recognizance, as directed by the twenty-fifth section of this act, shall be allowed further time, not exceeding three days, to deliver to the said judge such copy of his or her account or state of demand as aforesaid.

Neglect of defendant to furnish copy of his account or demand to preclude any future suits, &c. Proviso.

29. *And be it enacted*, That if any defendant neglect or refuse to deliver a copy of his or her account or state of demand against such plaintiff, he or she shall forever thereafter be precluded from having or maintaining any action for such account or demand, or from setting off the same in any future suit; *provided, always*, that where the balance found to be due to such defendant exceeds the sum of one hundred dollars, then the said defendant shall not be precluded from recovering his or her account or demand against such plaintiff in any other court of record having cognizance of the same.

Proceedings when defendant shall plead title to any real estate in himself or another.

30. *And be it enacted*, That when, in any action to be brought by virtue of this act, the defendant shall, as a justification, plead title to any real estate in himself or another, under whom he acted or entered, such defendant shall commit the said plea to writing, and, having signed the same, shall deliver such plea to the said judge, who shall countersign and deliver it to the plaintiff; and thereupon it shall and may be lawful to and for such plaintiff to commence and prosecute his action against such defendant in the supreme court, or in the circuit court of the county wherein such action shall have been commenced; and if, in such action, the plaintiff recover any damages, he shall be entitled to and recover therewith all costs of suit.

Plea to be conclusive evidence, &c.

31. *And be it enacted*, That on every trial so to be had in such action where title is pleaded, the plea so as aforesaid signed by the said defendant, shall be conclusive evidence that such defendant relied on title by way of justification.

Judge to require bond before receiving plea.

32. *And be it enacted*, That the judge to whom a plea of justification is tendered as aforesaid shall, before he receives such plea, require and obtain from the defendant a bond, with one good surety, being a freeholder in the said county, in the penalty of one hundred dollars, executed to the plaintiff, and conditioned that, if the said plaintiff shall commence such action in the supreme court, or in the circuit court of the county wherein the

said judge holds his court, within three months thereafter, the said defendant will appear thereto, within twenty days after the writ to be thereupon issued against him shall be returned served, and shall pay such costs as may be awarded against him in the said action; and in case such plea is tendered, and the defendant shall not forthwith enter into such bond to the plaintiff, the said judge shall proceed in the same manner as if such plea had not been tendered.

D—TRIAL.

When judge may proceed and determine cause in absence of defendant.

33. *And be it enacted*, That if the defendant does not appear at the time and place expressed in the summons or recognizance, and no sufficient reason shall be assigned to the judge why the defendant does not appear, and if, where the process is a summons, it shall further appear by the return endorsed thereon that the summons was duly served, then the said judge may proceed to hear and determine the cause in the absence of such defendant.

Proceedings when parties appear.

34. *And be it enacted*, That when the parties in any suit to be instituted by virtue of this act shall appear at the place and the time expressed in the summons, or at the return of the warrant, or at the time of appearance mentioned in the recognizance, the said judge shall proceed to hear or examine their respective allegations and proofs, unless he shall think it proper to adjourn the trial.

When judge may adjourn trial.

35. *And be it enacted*, That any judge of any district court before whom a suit is instituted by virtue of this act, may, to prevent fraud or surprise on either side, or on reasonable cause being assigned by or in behalf of either party, adjourn the trial to any time not exceeding thirty days from the return day of the summons, or, if the process be by warrant, from the time when the same was returned, or from the time of appearance mentioned in the recognizance, except where the applicant for such adjournment shall make oath or affirmation that he cannot safely go to trial for want of a material witness, whom he shall name, being absent and out of this State, and then such judge may postpone the trial to any time not exceeding three months from the return day of the summons; *provided*, that if the process is by warrant the

Proviso.

defendant shall, previous to such adjournment, if required by the judge, enter into recognizance to the plaintiff, as in and by this act is before directed; *provided, also,* that if either of the parties to a suit hereafter brought before a judge of any district court, cannot, on the day of the first adjournment, safely go to trial for the want of a material witness in the cause, whom he shall name, and thinks he can produce on a future day, and shall file an affidavit thereof with the judge, then the judge may adjourn the trial to any future day, not more than thirty days from the day of such adjournment, on payment of the costs by the party who makes application for the same. Proviso.

36. *And be it enacted,* That all adjournments shall be made to some hour between the hours of nine o'clock in the forenoon and three o'clock in the afternoon, both inclusive, unless the respective parties mutually agree that the cause be adjourned to some other hour. Hour of adjournments.

37. *And be it enacted,* That if the defendant file his set-off on the day to which the hearing shall be first adjourned, he shall then consent to an adjournment of said hearing if the plaintiff request the same, and shall also pay the witness fees of said plaintiff for that day. Adjournment on request of plaintiff.

38. *And be it enacted,* That in every action it shall and may be lawful for either of the parties, after the defendant has appeared, or put in his plea to such action, and before the said judge has proceeded to inquire into the merits of the cause, to demand a trial by jury, which the said judge is hereby required to grant, and thereupon a venire shall be issued to summon a jury of six men, and no more, if the debt, demand or matter in dispute do not exceed the sum of fifty dollars, or a jury of twelve men, if the debt, demand or matter in dispute exceed the sum or value of fifty dollars, being citizens of this State, above the age of twenty-one years, and under the age of sixty-five years, and in no wise akin to the plaintiff or defendant nor interested in the suit, to be and appear before the said judge at such time and place as shall be expressed in the venire, to make a jury for the trial of the action between the parties mentioned therein; and the constable shall, at the return of the said venire, return, annexed thereto, a panel containing the names of the jurors whom they shall have summoned by virtue thereof; and Trial by jury may be demanded. Number of which the jury shall consist. Return of names of jurors.

if, on the return of the venire, it shall appear that one or more of the jurors are disqualified to serve, or do not appear, then it shall be lawful for the constable who served the same, by order of the court, immediately to summon others who shall serve in their stead.

Form of oath to jurors.

39. *And be it enacted*, That to the jurors and each of them who shall be returned to try the said cause as aforesaid, the said clerk shall administer the following oath or affirmation:

"You do swear, in the presence of Almighty God (or do affirm, as the case may require), that you will well and truly try the matter in difference between , plaintiff, and , defendant, and a true verdict give, according to evidence."

To witness.

That to every witness produced at the said trial, the said clerk shall administer the following oath or affirmation:

"You do swear, in the presence of Almighty God (or do affirm, as the case may require), that the evidence you shall give to the court and jury in this matter in difference between , plaintiff, and , defendant, shall be the truth, the whole truth, and nothing but the truth."

To constable.

And that to the constable who shall be appointed to attend the jury, the said clerk shall administer the following oath or affirmation:

"You do swear, in the presence of Almighty God (or do affirm, as the case may require), that you will, to the utmost of your ability, keep every person sworn (or affirmed) on this jury, together in some private or convenient place, without meat or drink, water excepted; that you will not suffer any person to speak to them, nor speak to them yourself, except by order of the court, unless it be to ask them whether they have agreed on their verdict, until they have agreed on their verdict."

Penalty when juror shall refuse to serve or witness to attend.

40. *And be it enacted*, That every person summoned as a juror, or subpœnaed as a witness, who shall not appear, or, appearing, shall refuse to serve or give evidence in any such action, shall forfeit and pay for every such default or refusal, unless some reasonable cause be assigned, such fine, not exceeding twenty dollars, nor less than one dollar, as the said judge shall think proper to impose; and such judge is hereby authorized and required to

issue an execution, directed to any constable of the said county, to levy the same of the goods and chattels of the offender; which fine, when recovered, shall be applied by the said judge to the use of the said city.

When plaintiff not permitted to withdraw suit nor judgment of non-suit.

41. *And be it enacted,* That if the defendant have filed an off-set the plaintiff shall not be permitted to withdraw his suit, nor shall any judgment of non-suit or discontinuance be entered without the consent of the defendant, but the case shall be heard on motion of the defendant, if the plaintiff neglect or refuse to move the same, and if it shall appear upon evidence produced by the defendant that the plaintiff is actually indebted to the defendant, judgment shall be rendered in favor of the defendant for the amount found due him; *provided,* such defendant have filed an affidavit with the judge at the time of filing his off-set, that the off-set is not filed for the purpose of delay, and that he verily believes he does not owe the plaintiff anything, but that the plaintiff is indebted to him in a certain sum, which shall be stated in the affidavit.

Proviso.

Copy of entries in book of account to be received in evidence.

42. *And be it enacted,* That whenever the nature of the plaintiff's demand is such that his book or account of original entries would be competent evidence, and the defendant does not appear at the hearing, or, if appearing, does not require the production of said book or account, a copy of the entries therein, so far as they relate to the plaintiff's demand, together with a statement of the credits or allowances, if any, to which the defendant is entitled, shall be received in evidence, with the same effect as if the plaintiff's books or accounts were produced and proved; *provided,* such copy and statement be accompanied by an affidavit or affidavits, setting forth that the copy is a true copy of said original entries, and that all the credits and allowances to which the defendant is entitled appear on such statement, or in case the defendant is not entitled to any, then setting forth that the defendant is not entitled to any credits or allowances, and that the sum of money or balance claimed by the plaintiff is justly due and owing to him.

Proviso.

Proof of partnership.

43. *And be it enacted,* That where a copy of said entries may be used by the plaintiff, it shall be competent to prove any partnership by affidavit.

Action upon notes, written contracts, &c., may be proved by affidavits.

44. *And be it enacted*, That in actions upon promissory notes, bills of exchange, checks, drafts, or other written contracts, whether simple or under seal, for the payment of money only, if the defendant does not appear at the hearing, or if he appear and consent thereto, the plaintiff may prove his case by affidavit; the affidavit or affidavits shall contain a copy of the writing or writings sued on, and shall set forth and aver such facts and circumstances as would warrant a recovery in case such facts and circumstances were proved by witnesses.

Non-production of notes, bills, &c., or other written contracts, must be accounted for by affidavit.

45. *And be it enacted*, That in all cases in which proof is made by affidavit, it must appear by affidavit that the affiant or affiants have competent knowledge of the fact or facts sworn to, and in actions upon promissory notes, bills of exchange, checks, drafts or other written contracts, simple or under seal, for the payment of money only, such notes bills, checks, drafts or other contracts, must be produced at the hearing, or their non-production accounted for by affidavit.

If jury disagree other writs of venire may issue.

46. *And be it enacted*, That if the jury disagree, other writs of venire may issue in the same cause until a verdict is obtained.

E—JUDGMENTS.

When judgment shall be given against plaintiff for costs.

47. *And be it enacted*, That if the plaintiff, other than executors or administrators, in any action shall be nonsuited or shall discontinue or withdraw his action, without the consent of the defendant, where he may lawfully do so, then judgment shall be given against such plaintiff for the costs which have accrued, or if such plaintiff shall appear to owe, or be indebted to the defendant, then judgment shall be given against him for the debt, or damages and costs, as the case may require.

Affidavit on judgment by confession.

48. *And be it enacted*, That if judgment by confession shall be entered against the defendant, unless an affidavit shall first be made by the plaintiff, his attorney, or agent, of the true consideration of the bill, bond, deed, note, or other instrument of writing or demand for which the judgment is confessed, which affidavit shall further set forth that the debt or demand for which the judgment is confessed is justly and honestly due and owing to the person or persons to whom the judgment is confessed,

and that the said judgment is not confessed to answer any fraudulent intent or purpose, or to protect the property of the defendant from his other creditors (which affidavit shall be filed and preserved by the said judge), such judgment shall not operate or have any effect against any person or persons not parties in said action, but shall be binding and have its full effect so far as relates to the parties in the suit only.

No non-suit or discontinuance after merits of case submitted to jury.

49. *And be it enacted*, That in cases of trial by jury, there shall be no judgment of non-suit or discontinuance after the merits of the cause on either side are submitted to the jury, unless by the consent of both parties.

Judgment to be given for amount due and owing, and not for amount of penalty expressed.

50. *And be it enacted*, That where the amount really due and recoverable upon any bond, bill, note or other contract in writing, does not exceed, exclusive of costs, the sum or value of one hundred dollars, at the time when suit is instituted, proof shall be made of the amount really due and owing, and the judge shall give judgment therefor, with costs, and not for the amount of the penalty expressed, whether such penalty exceed or be less than one hundred dollars.

F—EXECUTION.

Execution against goods and chattels, &c.

51. *And be it enacted*, That when judgment shall be given against the plaintiff or defendant, by virtue of this act, the said judge shall grant execution thereupon, commanding the constable to levy and make the debt, or damages and costs, of the goods and chattels of the party; and in the cases hereinafter specified, for want of sufficient goods and chattels whereon to levy and make the same, to take the body of such party and convey him to the jail of the county; *provided*, that no execution shall issue against the body of any female; *and provided, also*, that when judgment shall be obtained against executors or administrators, execution shall issue thereon in the same manner as it is issued against them in the other courts of law of this State.

Proviso.

Proviso.

When execution shall be granted against the body.

52. *And be it enacted*, That an execution against the body shall be granted only in the following cases:

I. Where a warrant in the nature of a capias ad respondendum has issued upon an order made in accordance with the provisions of the nineteenth section of this

act, and such order has not been set aside, or, if set aside, has been subsequently approved by a justice of the supreme court;

II. Where no warrant in the nature of a capias ad respondendum having been issued for the same cause of action, due proof is made on oath or affirmation, to the satisfaction of the judge, that the defendant, at the time when execution is applied for, is not a freeholder in the county where the same shall be issued, and judgment has been rendered in an action of tort;

III. Where no warrant in the nature of a capias ad respondendum has issued for the same cause of action, and the action being founded upon contract expressed or implied, due proof is made to the satisfaction of the judge, by affidavit or affidavits, filed as aforesaid, establishing the particulars specified in the first subdivision of the eighteenth section of this act, or establishing that the defendant has rights or credits, moneys or effects, either in his own possession or in the possession of any other person or persons, to his use, of the value of ten dollars or over, which he unlawfully and fraudulently refuses to apply in payment of such judgment.

Order of judge for execution against goods and chattels and body.

53. *And be it enacted*, That if the requirements of the next preceding section have been complied with, the judge shall make and subscribe an order that execution issue against the goods and chattels of the defendant, and, for want of sufficient goods and chattels, against the body, whereupon execution may issue in accordance with such order as directed in section fifty-one of this act.

Order authorizing the taking of body may be set aside.

54. *And be it enacted*, That, except where previous application has been made and passed upon under the twentieth section of this act, the defendant may, at any time, after order made under the fifty-third section of this act, apply to any one of the persons to whom he may apply under said twentieth section, to set aside said order so far as it authorizes the taking of the body, the defendant having first given reasonable notice to the plaintiff of such application; and if such person to whom application is made shall deem the proofs made insufficient to warrant the issuing of process against the body, he may make order that the order of the judge, so far as it authorizes the taking of the defendant's body, be set aside.

55. *And be it enacted*, That such order shall be delivered to the judge, who shall file the same with the other papers in the cause, and who shall furnish certified copies thereof to the defendant, or his agent, on request. Order to be filed.

56. *And be it enacted*, That the order, from the time of the filing thereof with the judge, shall operate to discharge the defendant from arrest or imprisonment, if arrested or imprisoned, or, if not, from liability to arrest or imprisonment in the suit in which the order was made, and shall have no other or further operation. Orders to operate from the time of filing.

57. *And be it enacted*, That no constable, jailer, warden, or other officer or person taking or detaining the body of the defendant in pursuance of the warrant mentioned in the eighteenth section of this act, or in pursuance of the writ of execution, shall incur any liability whatsoever for any act done or committed pursuant to the commands of the writ, in or about such taking or detention, prior to service upon him of a copy of the order of the justice of the supreme court, law judge or commissioner, certified by the judge of the district court with whom such order is filed. Liability not to be incurred by officer.

58. *And be it enacted*, That service of said order upon the person in whose custody the defendant may be shall warrant the immediate discharge of such defendant from arrest or imprisonment under said writ. Service of order shall warrant immediate discharge.

59. *And be it enacted*, That the judge shall furnish to the defendant, or his agent, on request, a certified copy of the order and affidavit or affidavits upon which the warrant or execution against the body issued or may issue; and such copy may be used before the justice of the supreme court, law judge or commissioner, who may make order thereupon in the same manner as if the original order and affidavit or affidavits were produced before him. Judge shall furnish defendant certified copy of order, &c.

60. *And be it enacted*, That where a judge of any district court has made an order pursuant to the nineteenth section or to the fifty-second section of this act, and application has been made in the first instance to a justice of the supreme court to set the order aside, if the justice refuse to do so, the defendant shall not be permitted to renew his application; but if such application has been made in the first instance to a law judge or commissioner, who either makes or refuses to make such order, then Proceedings on application to justice of supreme court to set order aside.

either party may, on notice to the other party, within six days after such order has been made or refused, apply to a justice of the supreme court, to review the action of the law judge or commissioner; such justice of the supreme court may, in his discretion, modify or set aside the order of the law judge or commissioner, and make such other order in reference to the taking or retaking of the defendant's body, either on the warrant or on an execution issued or that may be issued, as the nature of the case may justify or require, and the order of such justice shall be final.

Stay of execution when freeholder joins in judgment.

61. *And be it enacted*, That if any defendant shall appear at the return of the summons or warrant, or by consent without process, or on the day that judgment shall be rendered, or before the issuing of execution, whether the suit has been defended or not, and procure a good and sufficient freeholder, resident in the county, to join with such defendant in a confession of judgment, to the adverse party, with costs, then if the judgment shall not be more than fifteen dollars nor less than five dollars, no execution shall issue until after one month from the time of rendering such judgment; and when the judgment shall exceed fifteen and not exceed sixty dollars, no execution shall issue until after three months from the time of rendering such judgment; and when the judgment shall exceed sixty dollars, no execution shall issue until after six months from the time of rendering such judgment.

When stay of execution not allowed.

62. *And be it enacted*, That where a suit shall be brought upon any judgment recovered before a judge of any district court, and judgment rendered in favor of the plaintiff, no stay of execution shall be allowed thereon;

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provided, the time hereinbefore limited, for stay of execution upon such sum, shall have expired since the date of the first judgment, and if not, such further stay of execution shall be allowed as with the time already passed since the date of the first judgment, will make up the time allowed for stay of execution on such sum, as is directed by the preceding section of this act.

Notice of sale of goods and chattels by constable, &c.

63. *And be it enacted*, That the constable who, by virtue of such execution, levies on any goods and chattels, shall give notice by advertisements, signed by himself, and put up in three of the most public places in the town-

ship where they were taken, of the time and place they will be exposed to sale, at least five days before the time appointed for selling them, and therein describe the goods and chattels so taken; and shall, at the time and place so appointed, expose them to sale, by public vendue, and strike them off to the highest bidder, and pay the money thence arising to the plaintiff, or, in case of his absence, to the clerk, and within thirty days from the time he shall receive the execution, make return to the clerk who issued the same, of the proceedings had thereon, and the said clerk shall make a record thereof.

Proceedings when levy is made upon goods claimed by other person than by defendant.

64. *And be it enacted*, That in all cases where any constable shall, by virtue of any writ of execution or attachment, issuing out of this court, levy on, attach or take into his possession, any goods or chattels which shall be claimed by notice in writing, delivered to said constable, by any other person than the defendant, he shall, immediately upon such claim, delay his sale of the same for the space of ten days, that the said claimant may, within the said term, apply to the judge of the district court within or near the township where such goods or chattels were so seized, for a venire to summon a jury of six lawful men as jurors, to try the right of such claimant to said property; and it shall be lawful for such judge of said district court to issue the same, and direct a return thereof to be to him made, and to proceed therein as in other cases of trial by jury; but the claimant shall, in all cases, give notice in writing to the plaintiff of the time and place of the said trial; but if the said claimant shall not, within ten days, apply to said judge, and have his right tried, as aforesaid, the said claim shall be considered abandoned, and the constable shall proceed as if it had not been made.

Jury to be summoned.

Verdict of jury to protect constable in seizure of property.

65. *And be it enacted*, That the verdict of such jury shall protect the said constable from any action for taking and seizing such property, or delivery thereof to the claimant; and if the said property shall be found to belong to said claimant, the said constable shall proceed no further with the same; but if it shall be found to belong to the defendant, he shall proceed to dispose of the same, as is directed in such process; and the costs attending such trial shall be taxed by the clerk of said district court, as in other cases, and shall be paid by the plaintiff

Costs to be taxed by the clerk.

at whose suit the said property was taken and seized, if the said claimant obtain a verdict in his favor; and by such claimant if the verdict is found against him; *provided*, that if the plaintiff, upon notice being given to him, as aforesaid, shall indemnify the constable against the demand of the claimant, then he shall suspend any further proceedings therein, and proceed to sell.

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When body of person may be committed to common jail.

66. *And be it enacted*, That for want of goods and chattels whereon to levy, the said constable shall, when execution is issued against the body, according to the tenor of the said execution, take the body of the person against whom the said execution is issued, and convey and deliver him to the keeper of the common jail of the county, who is hereby commanded to keep such person in safe custody, in the common jail aforesaid, until the debt or damages, with costs, be fully paid, or until he be thence delivered by due course of law; and the said constable shall, at the same time, deliver to the said jailor a copy of said execution, and shall take said jailor's receipt upon the execution, and return the same to the clerk who issued it, who shall make a record thereof in his docket; and if the said keeper shall suffer such person so committed to his custody to go or to be at large out of said jail, except by virtue of some writ of habeas corpus, or by virtue of the order mentioned in the fifty-seventh section of this act, before the said debt or damages, with costs, be paid, or he be thence delivered by and in due course of law, then every such going or being out of the said jail shall be an escape, for which the sheriff shall be responsible to the plaintiff to the amount of the debt or damages and costs, for which such person shall be committed, to be recovered by the said plaintiff, with costs, by action of debt.

Sheriff to be responsible in case of escape.

Execution may issue without a revival of judgment.

67. *And be it enacted*, That execution may issue without a revival of the judgment by scire facias at any time within twenty years from its recovery, if the clerk, by successive appointments, or otherwise, continues so long in office; *provided*, that if more than six years have elapsed since the recovery of the judgment, a special order of the judge shall be necessary before the execution issue, to be made upon ten days' notice to the defendant of the application therefor, and proof to the satisfac-

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tion of the judge of the amount remaining due upon the judgment.

Service of notice.

68. *And be it enacted,* That the notice required by the last preceding section may be served upon the defendant personally, either within or without this State, or, in case he resides within this State, may be served by leaving a copy at his residence, in the presence of some person of the family of the age of fourteen years, who shall be informed of the contents.

Execution against goods, &c., to be in force for one year from issue.

69. *And be it enacted,* That every execution which shall or may be issued by any clerk of any district court, upon any judgment rendered in pursuance of this act, shall be in full force and operation against the goods and chattels levied on for the term of one year from the time of issuing the same, unless sooner satisfied; and all executions which shall remain unsatisfied for the space of one year thereafter shall be null and void; but the plaintiff may thereupon have a subsequent execution or executions, which shall continue in force and operation and become void in like manner.

Proceedings when original execution is returned unsatisfied.

70. *And be it enacted,* That upon the return of the original execution unsatisfied, the clerk who issued the same shall have power and authority to issue an alias execution, and upon the return of the alias unsatisfied, the said clerk may issue a pluries execution, which said writs may be levied on the goods and chattels of the defendant, and shall be made returnable and be in all things executed in like manner as the original execution.

Executions to have priority according to time of levy.

71. *And be it enacted,* That where one or more executions, issued by virtue of this act, shall have been levied by one or more constables upon the goods and chattels of any defendant, the said executions shall have and obtain priority according to the time of levying the same; and

Surplus money arising upon any sale, how applied.

all surplus moneys arising upon any sale by virtue of any execution, shall be paid to the officer or person holding the next oldest execution which shall have been levied as aforesaid, until all executions levied upon the goods and chattels of any defendant at the time of sale upon the first execution, be satisfied, or so far satisfied as there shall be proceeds for that purpose, according to their respective seniority as aforesaid; and in case two or more executions, at the suit of different plaintiffs, shall be levied at the same time, such execution or executions

shall have preference according to the time when they were received, which shall be noted on each execution by the constable at the time of receiving the same; and if two or more executions shall have been delivered to a constable at the same time, against the same defendant, then the moneys arising from the sale under or by virtue of the said executions, or either of them, shall, if not sufficient to satisfy both or all of them, be applied towards the satisfaction of the several executions, in proportion to the sums due on them respectively.

Inventory in writing to be made of property intended to be levied upon.

72. *And be it enacted*, That it shall be the duty of the constable to whom shall be delivered any execution issued under the provisions of this act, to take an inventory in writing, of such and so much of the property of the defendant as he means and intends to levy upon; which inventory and levy, and the actual time of making the same, shall be annexed to the said execution and signed by the said constable, under his oath of office, and shall, at all times be received as evidence of the levy and of the time of making the same, as contemplated by this act, and that the property so levied upon shall be bound from the time of such levy and not before.

When constable shall be liable for debt or damages and costs.

73. *And be it enacted*, That if the constable to whom any execution is delivered shall not perform the duties, or any of them, prescribed by this act, respecting such execution, such constable shall be liable to pay to the person in whose favor the said execution is issued the debt or damages and costs, or any of them mentioned therein, to be recovered by action of debt, with double costs, by the person so as aforesaid injured thereby; and when any constable shall have in his hands one or more executions, and not have performed the duty required of him by law on the same, he shall be liable to be prosecuted on such execution or executions, separately or jointly, by the person or persons in whose favor said execution or executions were issued, who may recover as aforesaid, in an action of debt, with double costs; and if it shall appear that the said constable has received the money, or any part thereof, on any execution for which a suit shall be brought, in that case he shall pay to the plaintiff treble costs; and when any judgment shall be had against any constable for any delinquency in his office,

execution may be issued immediately against him for debt and costs.

Execution against goods, &c., of corporate body.

74. *And be it enacted*, That if judgment shall be given against any body politic or corporate by virtue of this act, the clerk shall grant execution thereupon against the goods and chattels of such body politic or corporate, which may be levied on and sold according to law.

G—DOCKETING JUDGMENTS.

Final judgments may be docketed in court of common pleas.

75. *And be it enacted*, That final judgments of district courts in any city of this State, if not less than ten dollars, including costs, remaining due on such judgments, may be docketed in the court of common pleas of that county, in the manner herein directed.

Clerk to provide and keep docket.

76. *And be it enacted*, That the clerk of every court of common pleas shall provide and keep a docket, in which shall be entered, upon complying with the provisions of this act, all such final judgments, if not less than ten dollars remain due thereon, as aforesaid.

Proceedings when execution is returned unsatisfied in whole or in part.

77. *And be it enacted*, That when a judgment is obtained in any district court, for an amount not less than ten dollars, including costs, and execution shall issue thereon, and be returned by the constable to whom it has been delivered to be executed, endorsed to the effect that he could not find any personal property of the party against whom the execution was issued on which to levy, or that he had levied and sold goods and chattels, and had made thereof part of said judgment, and that the same was not fully satisfied; and stating the balance still unsatisfied, the clerk of the court of common pleas of the county where such judgment was obtained, upon the request of the person or persons obtaining such judgment, and upon filing in his office a transcript of the proceedings from the docket of the district court in which such judgment was obtained, under the seal of said court and signed by the clerk thereof, and a certified copy of the state of demand and set-off filed in said action, with a certified copy of the return of the constable, and also an oath or affirmation of the party, his or their attorney or agent making such request, that at the time of filing such transcript, a certain amount, not less than ten dollars, is still due, stating the amount, and that he believes

the debtor is not possessed of goods and chattels sufficient to satisfy the amount due, shall enter, in the docket provided for that purpose, the transcript of such judgment in words at length, containing the name of the judge of the district court before whom the judgment was obtained, the names, at length, of the parties to said judgment, the style of the action, the date of the judgment, the amount recovered with costs, the substance of the return of the constable, and the amount stated to be due in the affidavit.

Judgment docketed in court of common pleas to operate as if obtained in a suit originally commenced in said court.

78. *And be it enacted*, That the said judgment shall, from the time of said docketing in the court of common pleas, operate as a judgment obtained in a suit originally commenced in said court, and satisfaction thereof may be entered in the margin of the docket in the same manner and upon the same evidence as is now provided by law in case of judgments rendered in the courts of common pleas; and the execution issued thereon shall be of the same effect as to the property of the debtor, either of a personal or real nature, as if issued on a judgment originally obtained in the courts of common pleas, upon a suit commenced therein.

Execution not to issue out of district court after being docketed in court of common pleas.

79. *And be it enacted*, That after such judgment shall be docketed in the court of common pleas, no execution shall issue thereon out of any district court, nor shall any proceedings be had except the due and proper granting of an appeal or certiorari.

Judgment, how revived.

80. *And be it enacted*, That every judgment docketed as herein directed may be revived by scire facias in the court of common pleas, in the same manner, in the like cases, and with the like effect, as if said judgment had been obtained in a suit originally commenced in that court.

Clerk to make alphabetical index to docket.

81. *And be it enacted*, That the clerk of the court of common pleas shall make to the docket in which such judgments are to be entered, a complete alphabetical index; and said docket shall be a public record, to which all persons desiring to examine the same shall have access.

Proceedings in case of appeal or by certiorari.

82. *And be it enacted*, That if any judgment recovered in any district court shall be removed by appeal or certiorari, and the necessary bond be perfected, and such judgment shall, either before or after such removal, be

docketed as herein provided, execution from the court of common pleas in which said judgment is docketed shall be stayed and suspended until the final determination of such appeal or certiorari.

Clerk to enter in margin of docket substance of determination upon appeal or certiorari.

83. *And be it enacted*, That if any judgment, docketed as hereinbefore provided, shall be reviewed upon certiorari or appeal, and a duly certified transcript of the judgment of the court wherein such appeal or certiorari may have been determined, shall be delivered to the clerk of the court of common pleas of the county where such judgment is docketed, it shall be the duty of the said clerk to file the same in his office, and enter in the margin of the docket opposite the entry of said judgment, in short form, the substance of such determination upon the appeal or certiorari.

Judgments of court of common pleas upon appeals not to affect or bind lands, &c., unless a rule shall be entered.

84. *And be it enacted*, That judgments of the court of common pleas upon appeals from district courts shall not affect or bind any lands, tenements, hereditaments, or real estate, unless a rule shall be entered in the minutes of the court of common pleas in which such judgment shall be rendered, for recording such judgment, which rule shall be a rule of course, and may be entered at any time without notice.

Clerk of courts of common pleas on entry of rule to record judgment, &c.

85. *And be it enacted*, That it shall be the duty of the clerk of the several courts of common pleas, upon the entry of such rule as aforesaid, to record any such judgment in the book of judgments of said court, and index the same, as now required by law respecting the judgments of such courts in suits originally commenced therein, which record shall be a transcript from the minutes of the said court on said judgment, and for this service the clerk shall be entitled to receive twenty-five cents; and such judgment shall from the time of entering such rule, affect and bind all lands, tenements, hereditaments, and real estate, within the county where such court of common pleas is held, belonging to the person or persons against whom such judgment may be; and executions against the goods and chattels, lands, tenements, hereditaments, and real estate of such person or persons may be issued out of such court of commo pleas thereupon, immediately upon the entry of suc rule.

Executions may issue upon entry of rule.

Judgments to be removed by certiorari only.

86. *And be it enacted*, That no judgment, order or proceeding, to be had or made by virtue of this act, shall be removed by writ of error, but by certiorari only.

Parties aggrieved shall have relief upon the appeal only.

87. *And be it enacted*, That where the judge has jurisdiction, no judgment hereafter to be rendered in any district court, from which an appeal is given to the court of common pleas by this act, shall be removed into the supreme court or circuit court by certiorari or otherwise, for the correction of any supposed error therein; but the party thinking himself aggrieved shall have relief upon the appeal only.

Applicant for certiorari to give bond, &c.

88. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any judgment, order or proceeding, to be had by virtue of this act unless the party applying for such certiorari shall present to the said justice the reasons therefor, drawn up writing and subscribed by himself or some attorney at law, and the same to be deemed by the said justice to contain a probable cause for allowing such certiorari; and also, unless such applicant shall enter into bond to the other party in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute the said certiorari in the supreme court, shall pay the sum recovered in the court below, with interest and costs, if the judgment be affirmed, and shall, in all things, stand to and abide the judgment of the said supreme court respecting the judgment, order or proceeding given, or made by the court below; which said bond shall likewise be tendered to the justice granting such certiorari, to be by him filed with the clerk of the supreme court, for the benefit of the obligee therein named, and on failure thereof no certiorari shall be allowed.

Certiorari, when to be determined.

89. *And be it enacted*, That such certiorari shall be determined and adjudicated upon by the supreme court, at the first term after due return thereof shall be made, or be dismissed with costs, unless the said court shall think proper to adjourn the same till the next term, for further argument and advisement.

90. *And be it enacted*, That if any judgment, to be given by virtue of this act, shall, on removal by certiorari, be

affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs arising on such suit in said supreme court, for which the party entitled to such costs may have execution, to be issued out of the supreme court, against the body, or goods and chattels of the adverse party; but if such judgment be reversed, then the plaintiff in certiorari shall not be entitled to any costs. Costs in case of affirmance of judgment to be paid by plaintiff in certiorari.

91. *And be it enacted*, That the provisions of the last three preceding sections of this act shall extend to the circuit courts in the several counties of this State. Provisions to extend to circuit courts.

92. *And be it enacted*, That no judgment of any judge of any district court, removed by certiorari before the supreme court or circuit court, shall be reversed in the whole on account of any error or mistake made by the judge by whom such judgment may have been rendered, in the entering, calculating or awarding of the costs of suit, but such judgment shall only be reversed so far as respects the said error or mistake; which error or mistake the court are hereby empowered to correct. Judgment removed by certiorari not to be reversed except only as respects error or mistake.

93. *And be it enacted*, That in case any judgment be so affirmed in part and reversed in part, neither party shall pay costs in certiorari to the other. Costs when affirmed in part and reversed in part.

94. *And be it enacted*, That it shall not be lawful for the supreme court or circuit court to reverse any judgment of any district court for any irregularity in the proceedings of such court, unless such irregularity tends to defeat or impair the substantial right or interest of the party in certiorari praying such reversal. Not to be reversed for any irregularity in proceedings of court.

95. *And be it enacted*, That if in any cause or proceeding removed by certiorari, it shall appear equitable and just that a rehearing thereof be had before a judge of any district court, the supreme court or circuit court may order that such rehearing be had upon such terms and conditions as are reasonable, and the judge of said district court shall thereupon proceed to rehear said cause or proceeding, and give judgment, as in other cases. Supreme court or circuit court may order a rehearing.

K—COSTS.

96. *And be it enacted*, That in all actions which may be brought by virtue of this act the following and no other fees shall be allowed and paid to the clerks of said courts: Fees to clerks.

New Jersey State Library

Summons,	twenty-five cents;
Each copy thereof,	ten cents;
Warrant,	twenty-five cents;
Order that warrant issue,	fifty cents;
Entering each suit,	twenty cents;
Recording return on summons,	ten cents;
Recognizance,	thirty-five cents;
Entering every non-suit,	twenty cents;
Entering discontinuance,	twenty cents;
Venire facias,	thirty-five cents;
Administering every oath or affirmation,	ten cents;
Subpœna for every witness,	ten cents;
Swearing the jury,	thirty-five cents;
Entry of every verdict,	twenty cents;
Entry of every rule of reference,	fifty cents;
Every copy thereof,	twenty-five cents;
Entry of every judgment,	twenty cents;
Every execution,	thirty-five cents;
Recording return of execution,	fifteen cents;
Drawing, signing and sealing return of certiorari,	one dollar;
Copy of docket or of any proceeding or paper, per folio,	fifteen cents;
Transcript of judgment,	fifty cents;
Entering suit without process,	fifty cents;
Filing each paper requiring to be filed,	ten cents;
Issuing commission to take deposition,	twenty-five cents;
Recording return of commission,	one dollar and fifty cents;
Entering particulars of costs,	fifteen cents;
Every affidavit,	twenty-five cents;
Every adjournment,	twenty cents;
Hearing every contested case,	seventy-five cents;
Hearing case not contested,	twenty-five cents;
Granting appeal and sending up transcript and papers,	fifty cents;
Recording description of each paper offered in evidence,	seven cents;
Approving bond,	fifty cents;
Taking deposition, per folio,	fifteen cents;
Scire facias,	thirty-five cents;

CONSTABLES.

Fees to constables.

Serving every summons on one defendant, sixty cents;
And for service thereof on every additional defendant in the same summons, thirty cents;
Serving every warrant, against one or more persons, for each person, seventy-five cents;
Serving every scire facias, against one or more persons, for each person, sixty cents;
Serving every subpœna, thirty-five cents;
Summoning every jury of six men, seventy-five cents;
Summoning every jury of twelve men, one dollar;
Attending jury until agreed on their verdict, fifty cents;
Serving every execution, seventy-five cents;
In addition to which, three cents on each dollar secured to the plaintiff;
Advertising property under execution, thirty-five cents;
Selling property under execution, fifty cents;
For every copy of an execution filed with the jailor, twenty-five cents;
For every mile of travel in serving any summons or warrant issued by a judge of any district court, after the first mile, the distance to be computed by counting the number of miles in and out, by the most direct route from the place where such process is issued and returnable, four cents;

JURORS.

Fees to jurors.

For all cases tried, twenty-five cents a man;
When summoned to attend, and cause not tried, fifteen cents a man;

WITNESSES.

To witnesses.

For their services under sections one hundred and seven and one hundred and eight of this act, fifty cents;

For all other services the same fees as are or shall be allowed in causes before the court of common pleas; *provided*, that no fees shall be allowed for the service of any subpœnas for more than two witnesses, nor shall fees be

allowed to more than two witnesses for each party in a cause.

97. *And be it enacted*, That on all appeals as aforesaid, heard and determined in the court of common pleas, the following and no other fees shall be allowed:

COURTS.

Courts. Every appeal heard, fifty cents;

CLERKS.

Clerks.

Entering action and filing bond and transcript,	fifty cents;
Every subpœna,	ten cents;
Entering judgment,	ten cents;
Every witness sworn or affirmed,	ten cents;
Every order or rule of court, or of a judge,	ten cents;
Every execution,	forty cents;
Entering and filing execution,	twenty cents;
Calling and swearing a jury,	twenty cents;
Taking and entering verdict,	ten cents;
Docketing judgment and filing transcript and affidavit,	seventy-five cents;

SHERIFF.

Sheriff. Making and returning a list of the jury, twenty cents;

CONSTABLES.

Constables.

Serving every subpœna,	thirty-five cents;
Attending jury,	fifty cents;

CRIERS.

Criers.

Every appeal,	ten cents;
Calling and swearing each witness,	five cents;
Calling jury,	ten cents;

TO THE JURORS.

The same fees as are allowed in other cases in the court of common pleas. Jurors.

JUDGE OR COMMISSIONER.

Supreme court justice, law judge or commissioner, for hearing application to set aside order, one dollar. Judge or commissioner.

98. *And be it enacted*, That when the plaintiff, in any action of debt, shall demand a jury of twelve men, and such jury shall find a sum in favor of the plaintiff, not exceeding fifty dollars, and not less than ten dollars, then the plaintiff shall pay one-half of the costs of the jury: and if the sum found by such jury in favor of the plaintiff be less than ten dollars, then the plaintiff shall pay the whole cost of the jury. Costs of plaintiff on jury of twelve men.

99. *And be it enacted*, That when the plaintiff, in an action of debt, shall demand a jury of six men, and such jury shall find a sum in favor of the plaintiff, under ten dollars, the plaintiff shall pay the whole cost of the jury. On jury of six men.

100. *And be it enacted*, That no constable or other officer, authorized to serve a subpœna, summons or other mesne process issued out of any district court, shall be required to serve such process until his legal fees and mileage for so doing shall have been paid to the officer of whom such service is required. Officer not required to serve process until fees, &c., are paid.

101. *And be it enacted*, That no appeal from the judgment of a judge of any district court shall be allowed until the party applying for the same shall, in addition to the matters now required by law, pay to said judge or clerk all costs incurred by him except such as shall be adjudged to the prevailing party. Appeal not to be allowed until costs are paid.

102. *And be it enacted*, That the fee of the court for hearing the appeal, and the fees of the clerk for entering the action and filing the bond and transcript shall be paid in the first instance by the appellant; if he refuse to pay the same before the hearing, the court shall, on application to the clerk, refuse to hear such appellant, and the appellee, if he will pay the same, may move the court to make, and the court may thereupon make, such Fees in first instance to be paid by appellant.

disposition of the case as if the appellant failed to appear and prosecute his appeal.

Judge may amend defects and errors in proceedings in civil causes.

103. *And be it enacted*, That in order to prevent the failure of justice by reason of mistakes and objections of form, it shall be lawful for the judge of any district court or the court of common pleas, on an appeal taken thereto, at all times, to amend all defects and errors in any proceeding in civil causes, whether there is anything in writing to amend by or not, and whether the defect or error be that of the party applying to amend or not, and all such amendments may be made with or without costs, and upon such terms as to the court or judge may seem fit; and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties shall be so made.

Amendment not to be made if there are objections.

104. *And be it enacted*, That if any objections be made before the judge by either party, in any cause, upon the return day or upon the trial or hearing of the same, to any process or pleading in respect to any matter which might be amended by the judge under the provisions of said section of said act, and no such amendment shall be made before the conclusion of the trial or hearing, then it shall not be in the power of the court of common pleas, on the trial of the appeal, to amend or to order amended the said process or pleading in respect of any of the matters to which such objections shall relate or were made.

Constable may amend return.

105. *And be it enacted*, That if the constable's return to any summons or warrant be defective, and such constable has, in point of fact, complied with all the requirements of this act, in serving such writ, whether the defendant appears or does not appear, and whether he objects or does not object, such constable may amend his return in such manner as to make it conform to the fact; *provided*, he do so on or before the return day.

Proviso.

II.—REFERENCES.

Rules of reference may be entered.

106. *And be it enacted*, That in every suit to be instituted before any judge of any district court by virtue of this act, and in every appeal to be made before any court of common pleas, it shall and may be lawful for such

judge of any district court or court of common pleas, as the case may be, with the assent and at the request of the parties, to enter rules of reference of the matters in difference, to such person or persons as the parties shall choose, and to insert such their agreement in their submission, or the condition of the bond or promise, whereby they oblige themselves respectively to submit to the award or umpirage of any person or persons; which agreement being so made and inserted in their submission, or promise, or condition of their respective bonds, shall or may, upon producing an affidavit thereof, made by the witnesses thereunto, or any one of them, and reading and filing the said affidavit in court, be entered of record in said court, and a rule shall thereupon be made by said court that the parties shall submit to, and finally be concluded by the arbitration or umpirage which shall be made concerning them by the arbitrators or umpire pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party refusing or neglecting to perform and execute the same or any part thereof, shall be subject to all the penalties of contemning a rule of court, when he is a suitor or defendant in such court, and the court, on motion, shall issue process accordingly, which process shall not be stopped or delayed in its execution by any order, rule, command or process of any other court, either of law or equity, unless it shall be made to appear, on oath or affimation to such court, that such arbitrators or umpire misbehaved themselves, and that such award, arbitration or umpirage was procured by corruption or other undue means:

Affidavit to be entered of record.

Proceedings in case of disobedience to arbitration.

I. Any arbitration or umpirage, procured by corruption or undue means, shall be judged and esteemed void and of none effect, and accordingly be set aside by the court, so as complaint of such corruption or undue practice be made in the court where the rule is made for submission to such arbitration or umpirage;

When to be deemed void.

II. Whenever a cause shall be referred by rule of court to referees, the report or award of such referees, or of the major part of them, if confirmed by the court, shall be final and conclude the parties; and if any sum be thereby found for the plaintiff or plaintiffs, judgment shall be entered and execution issued for the same with costs; and if the referees or the major part of them report any

Report or award of referee to be final and conclusive.

sum to be due to the defendant or defendants, and the report be confirmed, then judgment shall be entered, and execution against the plaintiff or plaintiffs for the sum so reported to be due to such defendant or defendants, with costs;

Referee shall take oath or affirmation.

III. In every cause referred by rule of court, each referee shall, before he proceeds to the business of the reference, take an oath or affirmation faithfully and fairly to hear and examine the cause in question, and make a just and true report according to the best of his skill and understanding; which oath or affirmation any judge of any court of record of this State is hereby authorized and required to administer;

Arbitrator to take oath.

IV. In all cases of arbitration, every arbitrator shall, before he proceeds to the business submitted to him, take an oath or affirmation of the like nature with that hereinbefore prescribed to be taken by referees, and to be administered in like manner;

Referees may examine witnesses under oath.

V. In every cause referred by rule of court, process of subpœna may issue out of said court to convene witnesses before the referees, and the said witnesses shall be examined on oath or affirmation; which oath or affirmation the referees in the said cause are hereby authorized to administer; and there shall be allowed to every such referee one dollar for every day necessarily spent in the business of the reference, besides a reasonable allowance for his expenses, which in the first instance shall be paid by the prevailing party, and shall afterwards be allowed to such party in the taxation of costs where costs are recoverable;

Compensation to referee.

Subpœnas to witnesses to issue.

VI. In all cases of arbitration, it shall be lawful for any judge of any district court within the city wherein such arbitration may be to issue subpœnas for witnesses, to appear before the arbitrator or arbitrators, and for him or such arbitrator or arbitrators to swear or affirm such or any other witnesses before the same; and if any such witness does not appear when so subpœnaed, or if appearing shall refuse to be sworn or affirmed and give evidence, he shall be liable to the same fines and penalties as he would be by law for such default or refusal, if committed in any court of record of this State.

Penalty for refusal of witness.

III.—DEPOSITIONS.

Deposition of infirm or sick person.

107. *And be it enacted*, That if a material witness in an action, instituted in any district court, be in the State, but is ancient or very infirm, or is sick, or is bound on a voyage, or is about to go out of the State, the deposition of such witness may, at the option of either party, be taken before a clerk of any district court or before any master in chancery; *provided*, the person at whose request the deposition is to be taken, shall cause notice to be given to the adverse party of the time and place, and before whom the deposition shall be taken, immediately, or at such short day as the cause in the opinion of the said judge may require, to attend and be present at the taking thereof, and to put questions and cross-examine if he shall think fit; and a deposition so taken and offered in evidence, shall be subject to the same rules and exceptions that the witness would be if personally present.

Proviso.

Testimony to be reduced to writing and signed by deponent.

108. *And be it enacted*, That every person deposing as last aforesaid shall be carefully examined and cautioned, and sworn or affirmed, to testify the whole truth, and shall subscribe the testimony by him or her given, after the same shall be reduced to writing, which shall be done only by the clerk of said court, or master in chancery taking the deposition, or by the deponent in his presence, and the deposition so taken, shall be retained by such clerk or master in chancery until he deliver the same, with his own hand, into the court for which it was taken, or shall be by him, the said clerk or master in chancery, sealed up, directed and transmitted to such court, and remain under his seal until opened in court, and when so opened, the same shall be deposited in the district court in which the action shall be brought, there to remain on record, and that either of the parties in the said action or suit may, at his or her cost and charges, take copies of such deposition as soon as it is deposited in the court as aforesaid;

Proceedings in case witness resides out of the state.

I. If a material witness in any action or proceeding in any district court of any city in this State, reside out of this State, it shall be lawful for any judge thereof, on proof thereof to the satisfaction of the said judge, and on such terms as said judge may direct, to award and issue, under the seal of the court, a commission to such person or

persons, as the judge may think fit, authorizing such person or persons, or any two or more of such persons to examine de bene esse the said witness, on oath or affirmation;

Interrogatories to be approved and annexed to the commission.

II. The name of every witness, to be examined by virtue of such commission, shall be inserted in the said commission; and the interrogatories for the examination of such witness shall be drawn and signed by the parties or their attorneys in the cause in which the testimony is to be used, or such of them as shall request the said commission, and be approved of by the judge and shall be annexed to the commission; and each party shall be at liberty, with the approbation of the said judge, to insert in the said interrogatories such questions as he or she may think proper or necessary;

Notice to be given of application for commission.

III. A party intending to apply for a commission to examine a witness or witnesses in any cause, shall give eight days' notice of such application and of the name or names of the witnesses to be examined, and of the place of his, her or their residence, and also the name or names of the persons or persons whom the party applying intends to nominate as commissioner or commissioners; and shall serve therewith a copy of the interrogatories intended to be annexed to the said commission, in order that the adverse party may examine the same and submit cross interrogatories if he think proper; the notice mentioned in this section shall be served on the attorney when the party appears by attorney;

When commission may issue on shorter notice.

IV. The issuing of the commission may be ordered and the interrogatories may be approved upon shorter notice than is directed by the foregoing section, by consent of parties, or upon matter being made to appear to the said judge to excuse the want of full notice, and that shorter notice is necessary to prevent delay;

Commissioners to take oath or affirmation.

V. The commissioner or commissioners, or such of them as shall act, shall, before they enter upon their duties, take an oath or affirmation faithfully, fairly and impartially to execute the said commission, which oath or affirmation may be taken before any person lawfully authorized to administer an oath or affirmation in the state, territory or kingdom where the said commissioner or commissioners reside or may be at the time;

VI. The said commissioner or commissioners shall and may examine every witness named in the said commission, or such as can be met with, upon the interrogatories annexed to the said commission, on oath or affirmation, to be administered to each and every witness by the said commissioner or commissioners, and cause the examination of each witness to be reduced to writing and signed by such witness; and the said commissioner or commissioners shall also sign the same; Examination to be reduced to writing and signed.

VII. The said commissioner or commissioners shall annex such examination to the said commission, and close the same up under the hand and seal of the said commissioner or under the hands and seals of the said commissioners, and direct the same to the clerk of the court out of which the same issued at the place of holding the said court, and may place the same in any post office, certifying thereon the time when and the post office in which the same may be so placed; and the clerk of the said court may take the same out of the post office in which it may be found in this State, and open the same, and indorse thereon when and how he received it, and immediately file the said commission in the said district court, there to remain as a record. Examination to be annexed to commission.

IV.—CLERKS—THEIR DUTIES AND DOCKETS.

109. *And be it enacted*, That it shall be the duty of every clerk of every district court wherein any suit shall be instituted, to enter in a book to be kept for that purpose and to remain a record of said court, the names of the plaintiff and defendant, the style and nature of the action, the sum demanded, the time of issuing process and when returnable, the return made thereto by the constable, when the copy of the account or state of the demand or set-off was delivered by the parties, or either of them, the time of taking the recognizance, of making or filing any order, the adjournment, the rule of reference and report of referees, the jury, when and by whom demanded, the venire, when issued and how returned, the time of trial, and names of the jurors and witnesses, the admission of evidence objected to and the rejection of evidence offered, a description of each paper offered in evidence, the verdict and judgment, and when given, the Clerk to enter in docket all the proceedings touching suits.

execution or executions, when issued, the endorsement thereon, and how returned by the constable, the appeal, when and by whom demanded, and all the proceedings before said court touching the said suit; and further, it shall be the duty of such clerk to grant to either party, when required, a certified copy of such proceedings.

Bill of costs to be entered in docket.

110. *And be it enacted*, That it shall be the duty of the clerks of the district courts wherein any judgment is rendered to make out and enter upon his docket a full bill of costs in the case, specifying each item, and the fees for the same, and the amount paid him by each party.

Transcript of docket, where term of office of clerk has expired, may be used in evidence.

111. *And be it enacted*, That every clerk of any district court whose term of office has expired, or may hereafter expire, or who has resigned, or may hereafter resign, shall and may, when required so to do, make out transcripts from his docket or dockets, under his hand and seal, and certify them as late clerk of said district court; which said transcripts so certified, shall be used as evidence in all courts of law and equity in this State, and have the same force and effect, and be liable to the like legal objections, as though the said clerk was still in commission.

Docket to be delivered to successor in office in case of removal.

112. *And be it enacted*, That if any clerk of any district court shall be at any time hereafter removed from his office, the docket or dockets of the said court shall be forthwith delivered to his successor in office.

Clerk to have free access to the docket after it is delivered to his successor.

113. *And be it enacted*, That every clerk of said court, and his legal representatives, shall and may at all times after the said docket or dockets are delivered to his successor in office as aforesaid, have free access to the same without payment of any fees to the clerk therefor, to enable him to recover any costs which may be due the said city thereon.

Penalty for refusal to deliver docket to successor in office.

114. *And be it enacted*, That if any clerk of said district court shall neglect or refuse to deliver his docket or dockets to his successor in office, and in the manner by this act directed, he shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, with costs, in any court of competent jurisdiction, and to be paid, when recovered, to the treasurer of the city wherein said court may be, for the use of the city; which suit shall be brought by the city treasurer for the use of the city.

115. *And be it enacted*, That a transcript of the record

of any case entered in any docket as aforesaid, certified to be a true transcript by said clerk, shall be received in evidence in any court of this State, and be as good, effectual and available in law as if the deposited docket were then and there produced. Certified transcript of record to be received in evidence.

116. *And be it enacted*, That no judge of any district court or constable shall appear and prosecute or defend in any action before any other judge of any district court, unless such judge or constable shall be one of the parties on record in the cause; and any judge or constable who shall offend against the provisions of this section, shall forfeit the sum of fifty dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by and for the use of any person who shall prosecute for the same; and such suit shall be commenced within six months after the offence shall have been committed; *provided*, that nothing herein contained shall prevent a judge from transacting the general concerns of a person who is absent and resident without the State. Judge or constable not to prosecute or defend in any other district court. Penalty for so prosecuting or defending. Proviso.

117. *And be it enacted*—I. That all bills, bonds and other writings, whether sealed or not, containing an agreement for the payment of money, shall be assignable, and the assignee may sue thereon, in his own name; but in such suit there shall be allowed all just set-offs, discounts and defences, not only against the plaintiff, but also against the assignor, before notice of such assignment shall be given to the defendant. Agreement for the payment of money shall be assignable.

II. The assignment of any sealed instrument by writing not under seal, shall be as valid and effectual at law, as if made by writing under seal. Assignment of sealed instrument to be valid.

III. The assignee for a valuable consideration of any chose in action heretofore or hereafter assigned, if the assignor be dead, may sue for and recover the same in his own name; and the defendant in any such action may set up and avail himself of any defence thereto arising before he shall have received due notice of such assignment, in the same manner, and with the like effect, as if the assignor had been living, and the action had been brought in his name. Assignee may sue and recover in his own name, if assignor be dead.

118. *And be it enacted*, That no action now pending or hereafter to be brought in any district court of any city

Action wherein a female is a party not to abate by reason of marriage of such female.

in this State, wherein a female is or may be a party, shall abate, by reason of the marriage of such female after suit brought; but the action shall proceed to final judgment in the name of such female as plaintiff, or as defendant, as the case may be, notwithstanding such marriage.

Executors or administrators of testator or intestate to answer to plaintiff.

119. *And be it enacted,* That in actions against several executors or administrators, all the same executors or administrators shall be considered as one person, representing the testator or intestate, and such of the executors or administrators as the constable shall return summoned shall answer to the plaintiff; and in case judgment shall pass for the plaintiff he shall have his judgment and execution against such of the executors or administrators as the constable has returned summoned, and against all others named in the writ, of the goods and chattels of the deceased, the same as if they had all been summoned or had appeared.

Judgment and execution to issue.

Proceedings in case executor or executors refuse in writing to prove will of testator.

120. *And be it enacted,* That in case any executor or executors have refused, or shall refuse, in writing, to prove the last will and testament of any testator, and shall file such refusal in the surrogate's office of the proper county, the executor or executors who have proved, or shall prove said last will and testament, may maintain a suit at law, without joining in such suit such executor or executors so refusing as aforesaid.

Act, how construed.

121. *And be it enacted,* That whenever, in describing or referring to any person, party, matter, or thing, any word importing the singular number or masculine gender is used in this act, the same shall be understood to include, and shall apply to several persons and parties, as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it be otherwise provided, or there be something in the subject or context repugnant to such construction.

Proceedings when tenant in arrear for rent shall desert the demised premises.

122. *And be it enacted,* That if any tenant, holding any lands, tenements or hereditaments, who shall be in arrear for one year's rent, shall desert the demised premises, and leave the same uncultivated or unoccupied, so as no sufficient distress can be had to countervail the arrears of rent, it shall and may be lawful to and for a judge of the district court in the city where said court

may be established and in which the demised premises lie, and who has no interest in the same, at the request of the landlord or landlords, lessor or lessors, or his, her, or their bailiff or agent, to go upon and view the same, and to affix, or cause to be affixed, on the most notorious part of the premises, notice in writing what day (at the distance of fourteen days at least), he will return to take a second view thereof, and if upon such second view the tenant, or some person in his or her behalf, shall not appear and pay the rent in arrear, or there shall not be sufficient distress upon the premises, then the said judge may put the said landlord or landlords, lessor or lessors, into the possession of the said demised premises, and the lease thereof to such tenant, as to any demise therein contained, shall from thenceforth become void; *provided always*, that such proceedings of the said judge shall be examinable in a summary way by the justices of the supreme court, who are hereby empowered to order restitution to be made to such tenants, together with his or her expenses and costs, to be paid by the landlord or landlords, lessor or lessors, if they shall see cause for the same; and in case they shall affirm the act of the said judges, to award costs to be paid by such tenant, and the costs as well in the instance of restitution as of affirmance aforesaid, shall be levied and recovered against the body or bodies, or goods and chattels, lands and tenements, of such landlord or tenant, as the case may be.

When lease to become void.

Proviso.

123. *And be it enacted*, That any tenant or lessee at will, or at sufferance, or for part of a year, or for one or more years, of any houses, lands or tenements, and the assignees, undertenants or legal representatives of such tenant or lessees may be removed from such premises by any judge of any district court of any city within the corporate limits of which such premises are situated, in the manner hereinafter prescribed, in the following cases:

Proceedings for removal of tenant or lessee at will or sufferance.

I. Where such person shall hold over and continue in possession of the demised premises, or any part thereof, after the expiration of his or her term, and after demand made, and notice in writing given for delivering the possession thereof, by the landlord or his agent, for that purpose;

If person shall continue in possession after expiration of term.

II. Where such person shall hold over after any default in the payment of the rent, pursuant to the agree-

In case of default in payment of rent.

ment under which such premises are held, and satisfaction for such rent cannot be obtained by distress of any goods, and a demand of such rent shall have been made, by three days' notice, in writing, requiring the payment of such rent, or the possession of the premises, shall have been served by the person entitled to such rent, upon the person owing the same; the notices required in this section shall be served either personally on the tenant by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode, with some member of his family above the age of fourteen.

Landlord or lessor may make oath in writing, &c., as to facts.

124. *And be it enacted*, That any landlord or lessor, his legal representatives, agents or assigns, may make oath, in writing, of the facts which, according to the preceding section, authorize the removal of a tenant, describing therein the premises claimed, and may present the same to any judge of any district court of the city within the corporate limits of which the premises are situated.

Judge to issue summons on receiving and filing affidavit.

125. *And be it enacted*, That on receiving and filing such affidavit, such judge shall issue a summons, describing the premises of which possession is claimed, and requiring any person in possession of said premises, or claiming the possession thereof, forthwith to remove [from] the same, or to show cause before the said judge, at a certain place and time to be therein specified, not less than five nor more than fifteen days from the date of such summons, why possession of such premises should not be delivered to such claimant.

Judge to be satisfied by due proof before issuing summons.

126. *And be it enacted*, That previous to issuing such summons in a case of tenancy at will, or at sufferance, or from year to year, the judge shall be satisfied, by due proof that such tenancy has been terminated by giving three months' notice to quit, which notice shall be deemed and taken to be sufficient.

Manner of service of summons.

127. *And be it enacted*, That the summons shall be served in the manner hereinbefore prescribed by this act; the suit may be adjourned, and either party may demand and have a trial by jury of twelve men.

When judge may issue warrant and put claimant in possession.

128. *And be it enacted*, That if at the time appointed in the said summons, or at the time to which said suit may be adjourned, no sufficient cause be shown to the contrary, and it shall appear to the said judge or jury that the summons has been duly served, the said judge

shall issue his warrant to any constable of the county or marshal of the city or town in which the premises are situate, commanding him to remove all persons from the said premises, and to put the said claimant into full possession thereof, and to levy and make the costs out of the goods and chattels of such person or persons in possession; *provided*, it shall be necessary for said claimant, if required by the defendant, to prove to the satisfaction of the judge, or of the jury if there be a trial by jury, the facts which, according to the one hundred and twenty-third section of this act, authorize the removal of a tenant. Proviso.

Judge may dismiss action for want of proof.

129. *And be it enacted*, That if, upon the said trial mentioned in the next preceding section of this act, the said plaintiff shall not be able to prove, by lease or other evidence of right of possession, his right to the possession of the said premises claimed by him, without proving title to lands, tenements and hereditaments that then it shall be the duty of the said judge to dismiss the said action.

Landlord liable in an action of trespass.

130. *And be it enacted*, That the proceedings had by virtue of the one hundred and twenty-third section of this act shall not be appealed from or removed by certiorari; but the landlord shall remain liable in an action of trespass for any unlawful proceedings under this act.

Fees to officers, witnesses, &c.

131. *And be it enacted*, That the same fees shall be allowed and paid to the clerks of said courts and to the constables, witnesses and jurors as are provided for like services by this act, and the constable, for executing the process of possession, shall receive the sum of one dollar.

When circuit court may have cognizance of the proceedings.

132. *And be it enacted*, That at any time after a summons has been issued according to the one hundred and twenty-fifth section of this act, and before the return thereof, either the landlord or the party in possession may apply to a justice of the supreme court, who, if he shall deem the case of sufficient importance, may issue an order, under his hand, directing the said judge, forthwith, to file the said oath or complaint of the landlord, and the other papers appertaining to the proceedings, in the office of the clerk of the circuit court of the county in which such proceedings were commenced, and thereupon said circuit court shall have full and exclusive cognizance of the case; and said court shall be always open for such purpose.

When judge of the circuit court shall issue a venire for a jury.

133. *And be it enacted*, That immediately upon such papers being filed in said clerk's office, the judge of said circuit court shall cause a venire facias for a jury to be issued, returnable into said court in not more than one week from the time of issuing the same; and which said writ shall be served by the sheriff or other officer, according to the practice of said court in like cases; and on the day of the return of the said writ the case shall be tried, unless, for good cause shown, the said trial shall be adjourned; that said adjournment and all other adjournments, shall be for the shortest periods practicable, and the one hundred and twenty-sixth section of this act shall not apply to said trial.

Trial may be adjourned for cause.

Notice of trial.

134. *And be it enacted*, That such notice of the trial shall be given as the said judge may direct; the parties, if they agree so to do, may waive a trial by jury, and submit the case to the judge on the law and facts.

Entry of judgment upon finding by judge or jury.

135. *And be it enacted*, That a judgment shall be entered upon the finding of the judge or the jury, and if the same be in favor of the landlord, a writ shall issue to the sheriff of the county, commanding him to put the landlord in full possession of the premises in question, and to levy and make the costs out of the goods, chattels and lands of the person in possession; if judgment be rendered for the defendant he shall have an execution in like manner for his costs.

When defendant may have execution for costs.

Power and jurisdiction of the circuit court.

136. *And be it enacted*, That the said circuit court shall have the same power with respect to said proceedings, and the same control over the verdict and judgment as it has in other cases within its jurisdiction, and from the judgment so entered a writ of error shall lie to the supreme court; but such writ shall not stay the execution of such judgment unless upon an order to the effect endorsed on said writ by the said circuit judge, and upon a bond with sufficient surety being given in an amount which he shall designate, conditioned to indemnify the party in whose favor said judgment was rendered, against all losses and damages which he may sustain by reason of final process being stayed.

Three months' notice to be sufficient.

137. *And be it enacted*, That in all cases where any tenant is or may be entitled by law to notice to quit the premises by him holden, in order to determine his ten-

ancy, three months' notice to quit as aforesaid, shall be deemed and taken to be sufficient.

Entry upon lands, &c., to be in a peaceable manner only.

138. *And be it enacted*, That no person shall enter upon or into any lands, tenements or other possessions, and detain or hold the same, but where entry is given by law, and then only in a peaceable manner.

Where person entering upon lands shall be deemed guilty of a forcible entry and detainer.

139. *And be it enacted*, That if any person shall enter upon or into any lands, tenements or other possessions, and detain or hold the same with force or strong hand, or with weapons, or by breaking open the doors, windows or other part of a house, whether any person be in it or not, or by any kind of violence whatsoever, or by threatening to kill, maim or beat the party in possession, or by such words, circumstances or actions, as have a natural tendency to excite fear or apprehension of danger, or by putting out of doors, or carrying away the goods of the party in possession, or by entering peaceably and then turning by force or frightening by threats, or other circumstances of terror, the party out of possession; in such case every person so offending shall be guilty of a forcible entry and detainer within the meaning of this act.

Persons entering peaceably upon lands, &c., may not hold the same by force.

140. *And be it enacted*, That no person, who shall lawfully or peaceably enter upon or into any lands, tenements or other possessions, shall hold or keep the same unlawfully, and with force, or strong hand, or weapons, or violence, or menaces, or terrifying words, circumstances or actions aforesaid; and it is hereby declared, that whatever words or circumstances, conduct or actions, will make an entry forcible under this act, shall also make a detainer forcible.

To extend to and comprehend terms for years.

141. *And be it enacted*, That the three preceding sections of this act shall extend to and comprehend terms for years, and all estates, whether freehold or less than freehold.

When guilty of unlawful detainer.

142. *And be it enacted*, That if any tenant or tenants for term of life or lives, year or years, or other person or persons who are or shall be in the possession of any lands, tenements or hereditaments, by, from or under, or by collusion with such tenant or tenants, shall, wilfully and without force, hold over any lands, tenements or hereditaments, after demand and notice in writing given for the delivery of the possession thereof, by his her or their landlord or landlords, lessor or lessors, or the per-

son or persons to whom the remainder or reversion of such lands, tenements or hereditaments shall belong, his, her or their agent or attorney, thereunto lawfully authorized, then such person or persons so holding over shall be guilty of an unlawful detainer.

Judge to issue precept on complaint of party grieved.

143. *And be it enacted*, That when any complaint to any judge of any district court in any city in this State shall be made in writing and signed by the party grieved, his agent or attorney, specifying the lands, tenements or other possessions so forcibly entered upon and detained, or forcibly or unlawfully detained, by whom and when done, and the estate therein, it shall be the duty of the said judge to issue a precept, under his hand and seal, directed to the sheriff of the county wherein said district court may be established, commanding him to cause to come before the said judge, twelve good and lawful men of the said county, qualified to serve as petit jurors in the court of general quarter sessions of the peace, to inquire into and try such forcible entry and detainer, or forcible or unlawful detainer; which precept shall be in the form or to the effect following, that is to say: "City of , county of , to wit: the State of New Jersey to our sheriff of our county of , greeting: whereas, complaint in writing is made to the subscriber, A. B., judge of the district court in and for our said city, of a certain forcible entry and detainer (or if detainer only, then say of a forcible detainer, or of a certain unlawful detainer) made by E. F. into the messuage (or upon the lands) of C. D. in the county aforesaid; we therefore command you that you cause to come before the said A. B., at , in the county aforesaid, at the hour of in the noon of the day of , twelve good and lawful men of the body of your county, being citizens of this State and resident within the county, above the age of twenty-one and under the age of sixty-five years, and who have a freehold in lands, messuages or tenements in the said county, and who are in no wise of kin to the said C. D. or E. F., to make a jury of the county, to inquire of and try the said forcible entry and detainer (or forcible or unlawful detainer); given under the hand and seal of the said A. B., the day of , in the year of our Lord one thousand ."

Form of precept.

144. *And be it enacted*, That the said judge shall issue a summons to the party complained against, in the words or the effect following, that is to say: "City of county of to wit: the State of New Jersey to our sheriff of our county of greeting: we command you, that you summon E. F., of to appear before A. B., judge of the district court in and for our said city, at in the county aforesaid, at the hour of in the noon of the day of to answer to and make defence against the complaint of C. D., of a forcible entry and detainer (or if detainer only, then say of a forcible detainer, or of an unlawful detainer), made by the said E. F., into the messuage (or upon the lands) of the said C. D. in the county aforesaid; and have you then and there this precept, with a return of your proceedings therein; given under the hand and seal of the said A. B., the day of in the year of our Lord one thousand ." Form of summons.

145. *And be it enacted*, That the said summons shall be served upon the party against whom the said complaint is made, or a copy thereof left at his usual place of abode, six entire days before the day of appearance therein mentioned; and that such service of the said summons in any part of the State, as well without the said county as within it, shall be good and effectual in law; *and further*, that no jury shall, by virtue of this act, be sworn to inquire of and try any forcible entry and detainer, or forcible or unlawful detainer, where such previous notice shall not have been given as aforesaid. Service of summons.

146. *And be it enacted*, That the party against whom such complaint is made may, at the time of appearance mentioned in the said summons, and before the said jury is sworn, plead not guilty to the said charge or complaint, or that he hath been three years in quiet possession, and his estate therein not ended or determined, agreeably to a subsequent clause in this act; and thereupon the said parties shall be at issue, and the said judge shall proceed to swear the jury so returned, to inquire of and try the same; and if the said party, against whom the complaint is made as aforesaid, does not appear at the time specified in the said summons, or, appearing, does not plead to the said complaint, then it shall be lawful for the said judge to proceed in the same manner as if he Proceedings on plea of not guilty. Trial to be by jury.

had pleaded not guilty; to the said jurors and each of them, who shall be returned to inquire of and try the said complaint, the clerk of said court shall administer the following oath or affirmation: "You do swear (or affirm) that you will well and truly try this issue joined between C. D. and E. F., and a true verdict give according to the evidence;" when the jury shall be so sworn as aforesaid, the said judge shall cause the said complaint to be read to them, and then call upon the complainant to support the same; if the jury find the party against whom such complaint is exhibited guilty, or find against his plea of possession, it shall be the duty of the said judge to record the said verdict and to give judgment thereon with treble costs; and also to issue a writ of restitution, directed to the sheriff, to cause the complainant to be reseized or repossessed; to which shall be added a clause commanding the said sheriff to levy the said costs of the goods and chattels of the offender, and for want thereof, to take the body of such offender, and him safely to keep in close custody in the common jail of the county until he shall pay the same, or be thence delivered by due course of law.

Form of oath to jury.

Writ of restitution, when to be issued.

147. *And be it enacted*, That no writ of restitution shall be issued by the judge of any district court, upon any judgment rendered by him in pursuance of the provisions of the preceding section of this act, until eight entire days, exclusive of Sundays, shall have elapsed after the rendition of such judgment; which writ of restitution, when issued, shall be returned within three months thereafter, by the sheriff or other officer to whom the same has been delivered, with his proceedings thereon, to the judge who issued the same; if the jury find against the said complainant, the said judge shall cause the said verdict to be recorded, and give judgment accordingly, with costs, and shall issue execution, directed as aforesaid, for the said costs, against the goods and chattels, and in want thereof, against the body of the said complainant.

Postponement of trial.

148. *And be it enacted*, That the said judge may, at the request of either party, and on good reasons being assigned, postpone the said trial to any time not exceeding fifteen days; but such postponement to be on the payment of costs.

149. *And be it enacted*, That it shall be the duty of the said clerk to enter, on his minutes or docket, true copies of the complaint exhibited by virtue of this act, and of the summons and return, also the time of issuing the venire, and how returned, the names of the jurors, their verdict and his judgment thereon; and also the names of the witnesses and the admission of evidence objected to, and the rejection of evidence offered, and all the proceedings before him had touching the said complaint. Clerk to make entry in docket.

150. *And be it enacted*, That if the sheriff of any county shall neglect or refuse to execute or return any precept, writ or other process to him directed and delivered, by virtue of this act, he shall, for every such offence, forfeit and pay two hundred dollars to the party grieved, to be recovered with costs, by action of debt, in any court of record having cognizance of that sum. Penalty if sheriff neglect to execute writ, &c.

151. *And be it enacted*, That the proceedings had by virtue of this act, on such forcible entry and detainer, or forcible or unlawful detainer, may be removed before the supreme court by writ of certiorari, and in no other way, and then only after judgment. Proceedings may be removed by writ of certiorari.

152. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any judgment, order or proceeding to be had or made by virtue of this act, unless the party applying for such certiorari shall present to the said justice reasons for the allowance thereof, drawn up and subscribed by himself or some attorney at law, to be deemed by the said justice to contain a probable cause of reversal; and unless such applicant shall also enter into bond to the other party, in the sum of two hundred and fifty dollars, with one or more sufficient surety or sureties, being freeholders and residents of this State, conditioned that such applicant shall prosecute the said certiorari in the supreme court, shall pay the yearly value of the premises in dispute, from the time of granting the said certiorari to the determination of the same, together with the costs of the suit before the court below, and such further costs as may be taxed if the judgment be affirmed; and shall in all things stand to and abide the judgment of the supreme court, respecting the judgment, order or proceeding given or made by the court below; which said bond, together with the reasons shall be filed by the said justice, with Proceedings for obtaining writ of certiorari.

the clerk of the supreme court, for the benefit and use of the obligee.

Prosecution of writ of certiorari.

153. *And be it enacted*, That every certiorari to remove any judgment, order or proceeding, to be had or made by virtue of this act, shall in every other respect be prosecuted, tried and determined in like manner, and be subject to the like rules and regulations as writs of certiorari to judges of district courts to remove proceedings had by virtue of this act.

Judgment not to bar action for trespass.

154. *And be it enacted*, That neither the said judgment nor anything in this act shall bar or prevent the party injured from bringing an action of trespass or other action against the aggressor or party offending.

Merits of title not to be inquired into. Proviso.

155. *And be it enacted*, That the estate or merits of the title shall in no wise be inquired into on any complaint which shall be exhibited by virtue of this act; *provided always*, that this act shall not extend to any person who hath had the uninterrupted occupation or been in the quiet possession of any lands or tenements for the space of three whole years together, immediately preceding such complaint so exhibited to the said judge, and whose estate therein is not ended or determined, but every such person may plead the same to the said complaint, which shall be tried in the manner hereinbefore described.

Writs of subpœna ad testificandum authorized.

156. *And be it enacted*, That every judge of any district court in any city of this State, before whom any prosecution may be instituted by virtue of this act, shall be and he is hereby authorized to issue writs of subpœna ad testificandum into any county of this State.

Fees to clerks.

157. *And be it enacted*, That in prosecutions under this act the following fees shall be allowed and paid to the clerks of said courts:

For every summons,	thirty cents;
For every venire facias,	forty cents;
For entering copies of every complaint, summons and return,	one dollar;
For subpœna for every witness,	twelve cents;
For swearing the jury,	twenty cents;
For administering every oath or affirmation,	five cents;
For entering every verdict,	twelve cents;
For entering every judgment,	twelve cents;
For every trial,	two dollars;
For return to every certiorari,	one dollar;

TO THE SHERIFF.

For serving every summons and return, one dollar; To sheriff.
For summoning every jury, returning the precept, and attending the trial, four dollars;
For executing every writ of restitution, two dollars;
For serving every execution for costs, advertising property for sale, and so forth, the same fees as are allowed for the like services in the court of common pleas:

TO THE JURORS.

Every juror for each cause in which he is sworn or affirmed, twenty-five cents; To jurors.
For each cause in which he appears but is not sworn or affirmed, twelve cents;

TO THE WITNESSES.

The same fees as are allowed to them for like services under this act; To witnesses.

TO THE ATTORNEY.

For the trial of every cause, two dollars. To attorney.

158. *And be it enacted*, That every person summoned as a juror or subpœnaed as a witness, who shall not appear, or, appearing, shall refuse to serve or give evidence in any prosecution instituted by virtue of this act, shall forfeit and pay for every such default or refusal, unless some reasonable cause be assigned, such fine not exceeding five dollars nor less than one dollar in the case of a juror, and not exceeding twenty dollars nor less than five in the case of a witness, as the said judge shall think proper to impose; and such judge is hereby authorized and required to issue an execution directed to any constable of the said county, to levy the same of the goods and chattels of the offender; which fine, when recovered, shall be applied by the said judge to the use of the said city. Penalty if juror or witness refuse to serve or attend.

159. *And be it enacted*, That if any creditor shall make oath or affirmation that he verily believes that his debtor absconds from his creditors, and is not, to his knowledge or belief, resident in this State at the time, the clerk of Attachment in case of absconding debtor.

any district court in any city of this State shall, and he is hereby required to issue out of said district court, an attachment under his hand and the seal of said court, for any sum not exceeding one hundred dollars, directed to a constable, who shall execute the same in the following manner, that is to say: the officer to whom it is directed shall go to the house or lands of the defendant, or to the person or house of the person in whose custody or possession the defendant's property and estate may be, and then and there declare, in the presence of one credible person at the least, that he attaches the rights and credits, moneys and effects, goods and chattels of such defendant, at the suit of the plaintiff in the said writ named; and upon the return of such attachment, the said judge of the district court shall appoint a day for the hearing of the said cause, not less than twenty days from the issuing of the said writ; on or before which day so appointed, the plaintiff in the said attachment shall file a copy of his account or state of demand; and if the creditor shall make sufficient proof of the debt due to him, the said judge shall give judgment therein for the plaintiff and award his execution thereof to the constable against the effects of the defendant, as in other cases cognizable before the said judge, but the effects of the defendant thereon taken shall not be sold in less than three months (unless the same are perishable), to the end that the debtor or his friend may redeem the same; and in the meantime the same shall be inventoried and safely kept in such manner as the judge shall direct.

Proceedings in case of attachment.

Plaintiff to make advertisement of the issuing of attachment.

160. *And be it enacted*, That it shall be the duty of the plaintiff forthwith, after the issuing of such attachment, to advertise in three of the most public places in the county, that an attachment has been taken out from such district court, against such absconding or absent debtor, in order that any person having a greater demand against such debtor than is cognizable before said district court, may have an opportunity to take out an attachment for the recovery of the same.

Proceedings in suit against garnishee.

161. *And be it enacted*, That the plaintiff in such attachment, notwithstanding the garnishee's denial of his having any moneys, goods, chattels or effects of the defendant in his custody or possession, or of his being indebted to him, may, if he really believes that the said

garnishee hath such moneys, goods, chattels or effects in his custody or possession, or that he is indebted to the defendant, and is in fear of the said garnishee's absconding before judgment and execution can be had against such garnishee, and shall make oath or affirmation thereof, and deliver the same to the clerk as aforesaid, institute a suit against the said garnishee, by summons, or in case of fraud duly proved, by warrant, and if he shall make sufficient proof of the debt due to him, and also of the effects, rights or credits in the hands of the garnishee, the said judge shall give judgment therein for the plaintiff, and award and issue his execution therefor to the constable against the garnishee, as in other cases cognizable by district courts in accordance with this act; and if the plaintiff shall not make sufficient proof of the effects, rights or credits in the hands of the garnishee, he shall pay the garnishee his costs, and if need be the judge of said district court shall issue his execution against the plaintiff for the same.

Defendant may enter appearance on filing bond.

162. *And be it enacted*, That it shall be lawful for the defendant in any attachment issued by any clerk of any district court as aforesaid, on or before the day appointed for the hearing of the said cause, to cause his appearance to be entered, by filing with the said clerk a bond to the plaintiff, executed by one or more sufficient sureties, being freeholders and residents in the county in which such attachment shall issue, in double the value of the property attached, conditioned for the due and safe return of the goods and chattels, rights and credits, moneys and effects seized and taken by virtue of such writ of attachment, in case judgment shall be rendered for the plaintiff; which said bond shall be approved by the said clerk, and filed by him for the use and benefit of the plaintiff; and thereupon the property attached shall be restored to the defendant and released from the lien of the said attachment.

Defendant to file plea, copy of account or set-off.

163. *And be it enacted*, That after filing the said bond, the said defendant shall file his plea, copy of account, or set-off, if any he have, and the said cause shall and may be adjourned and conducted in all things in like manner as if the same had been commenced by summons under this act; and either party may appeal from the said judg-

Either party may appear.

ment in like manner, in every respect, as if the said suit had been commenced by summons under this act.

Appeal from judgment for or against garnishee.

164. *And be it enacted*, That from any judgment rendered by a judge of any district court for or against a garnishee in attachment, either party may appeal in like manner in all things as from any other judgment of said judge under this act.

When writ of attachment shall be a supersedeas to attachments issued by district court.

165. *And be it enacted*, That any writ of attachment against any absconding or absent debtor, which may be issued out of the supreme court or any circuit court or court of common pleas, shall be a supersedeas to all attachments issued by any district court of this State, undetermined at the time of serving the said writ; and it shall and may be lawful for the sheriff or his deputy, to take into his possession all goods and chattels attached by the constable, as fully, to all intents and purposes, as if the attachment issued by the said clerk of said district court had not been served, and the plaintiffs in said attachments shall be entitled to their several debts, with the costs that may have accrued, in proportion with the other creditors, as is the practice in the supreme court or any circuit court or court of common pleas; *provided always*, that no constable shall be obliged to remove any goods taken into his custody by virtue of any attachment, after the same shall have been seized and attached by the sheriff.

Proviso.

Judge to try facts on motion to quash writ of attachment without requiring defendant to file bond.

166. *And be it enacted*, That in all cases of an attachment hereafter issued by any district court of any city of this State, when an affidavit shall be filed on or in behalf of the defendant, setting forth facts which would render said attachment illegal or void, it shall be the duty of said judge of said district court, upon a motion to quash the writ of attachment, to try said facts, without requiring the defendant to file a bond according to the requisition of this act, and to give judgment on said motion; and when an attachment issued by any district court as aforesaid shall be superseded by an attachment out of a higher court, the plaintiff in the attachment so superseded shall be entitled to be first paid out of the property attached the full amount of the legal costs and expenses which may have accrued on the attachment so superseded.

Costs, &c., to be paid plaintiff when attachment is superseded.

Act not to affect suits pending.

167. *And be it enacted*, That this act shall not affect any suit or proceeding instituted in any court for the trial of small causes, prior to the first day of April next, such suit or proceeding may be prosecuted or continued, any judgment therein may be docketed, and any writ, process or execution therein may issue as if this act had not been passed.

Oaths may be administered by clerks of court.

168. *And be it enacted*, That any oath or affirmation proper to be made or administered in any action or proceeding in said courts, may be administered by the clerks thereof.

Defendant may pay into court money in satisfaction of demand of plaintiff.

169. *And be it enacted*, That it may be lawful for any defendant, within such time as shall be directed by the rules made for regulating the practice of the said courts, to pay into court such sum of money as he shall think in full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment, and notice of such payment shall be communicated by the clerk to the plaintiff by the post, or by causing the same to be delivered at his usual place of abode or business; and said sum of money shall be paid to the plaintiff; but if he shall elect to proceed, and if the plaintiff shall recover no further sum in the action than shall have been so paid into court, the plaintiff shall pay to the defendant the costs incurred by him in said action after such payment, which costs may be collected as other costs are collected in said court.

Determination of questions of fact when to be final.

170. *And be it enacted*, That if the parties to any action or proceeding in said courts fail to demand a trial by jury, in cases where such demand is necessary, and so elect to permit questions of fact to be determined by the judge thereof, then such determination of the judge, or in cases where there is a jury, then the verdict of a jury, and any judgment thereupon shall be final and conclusive between the parties upon questions of fact, except as herein provided; but the judge shall have power to nonsuit the plaintiff in every case in which satisfactory proof shall not be given to him entitling either plaintiff or defendant to the judgment of said court, and shall also, in every case whatever, have the power, if he think fit, to order a new trial to be had upon such terms as he shall think reasonable, and in the meantime stay proceedings.

171. *And be it enacted*, That if either party in any such

Proceedings in case either party is dissatisfied.

action or proceeding shall be dissatisfied with the determination or direction of said court in point of law, or upon the admission or rejection of evidence, such party may appeal from the same to the court of common pleas in and for the county wherein said district court is held;

Proviso.

provided, that such party shall, within ten days after such determination or direction, give notice of such appeal to the other party, or his attorney, and enter into bond to the other party, with at least one sufficient surety, being a freeholder of such county, to be approved by the judge, for the costs of the appeal, whatever be the result thereof, and for double the amount, if any, of the judgment rendered against him, conditioned for the payment thereof, if the appeal be not prosecuted by the appellant, or be dismissed; *nevertheless*, such security, so far as regards the amount of the judgment, shall not be required in any case where the judge shall permit the party appealing to pay the amount of such judgment into the hands of the clerk, and the same shall have been paid accordingly; but such appeal shall operate as a stay of proceedings only after such security has been given or money paid, and the said court of common pleas may either order a new trial, on such terms as said court may direct, or may order judgment to be entered for either party, as the case may be, and may make such order with respect to the dismissal and costs of the said appeal as said court may think proper.

Form of appeal.

172. *And be it enacted*, That such appeal shall be in the form of a case agreed on by both parties, or their attorneys, and if they cannot agree, the judge, on being applied to by them, or their attorneys, shall, upon such notice as said judge shall prescribe, settle the case and sign it, and such case shall be transmitted by the appellant to the clerk of the said court of common pleas, and filed by him in his office.

Case to be agreed upon or settled within a certain time. Proviso.

173. *And be it enacted*, That such case shall be agreed upon or settled within fifteen days after such determination or direction, unless the judge shall grant further time for that purpose; *provided*, that such case shall be heard by said court of common pleas at the next term after such determination or direction, unless the said court shall, on good cause shown, postpone the hearing

Proviso.

thereof to some subsequent term; *and provided, further*,

that there shall be fifteen days between such determination or direction and said next term.

Decision of court of common pleas may be removed to supreme court.

174. *And be it enacted*, That such order, determination or decision of the court of common pleas may be removed into the supreme court by writ of certiorari; said writ shall remove said order or determination, and the case agreed upon or settled as hereinbefore mentioned; *provided*, the party applying for the same comply with the provisions of this act.

Proviso.

Judges to make rules for the business and proceedings of their courts.

175. *And be it enacted*, That the judges of said district courts shall make such rules as may be necessary for the orderly conduct and business and proceedings of their said courts respectively; the rules of said courts shall be uniform, and shall be approved by and subject to the revision of such justice of the supreme court as shall hold the circuit in and for the county wherein said courts may be established; and in case of the sickness or unavoidable absence of the judge of any district court, the same may be held by one of the judges of the said court of common pleas, to be designated by the judge so sick or absent, and approved by the aforesaid justice of the supreme court.

Form of oath to be taken by the judges.

176. *And be it enacted*, That the judges of said courts shall, before they enter upon the execution of their respective offices, take and subscribe the following oath, to wit: "I, A. B., do solemnly promise and swear that I will administer justice without respect to persons, and faithfully and impartially perform all the duties incumbent on me as judge of district court of the city of , according to the best of my abilities and understanding, agreeably to the constitution and laws of the State of New Jersey, so help me God;" and the clerks of said courts shall, before they enter upon the execution of their respective offices, take and subscribe the following oath, to wit: "I, A. B., being appointed clerk of the district court of the city of , do solemnly promise and swear, that I will truly and faithfully enter and record all the orders, judgments and proceedings of the said court; that I will justly and honestly keep the records, parchments, papers, writings, and books to me committed, and to be committed by virtue of my said office, and that I will faithfully and impartially perform all the du-

Form of oath by clerk.

ties of the said office according to the best of my abilities and understanding, so help me God."

County clerk to administer oath.

177. *And be it enacted*, That it shall be the duty of the clerk for the time being, of the inferior court of common pleas of the county in which said courts may be established, and of none other, to administer the oaths required by the preceding section of this act.

Compensation to judges.

178. *And be it enacted*, That the judges of each of said courts shall receive in lieu of all fees whatever an annual salary as follows: the judges of each of said courts in cities of fifteen thousand, but not exceeding thirty thousand inhabitants, an annual salary of two thousand dollars; the judges of each of said courts in cities of thirty thousand, but not exceeding one hundred thousand inhabitants, an annual salary of two thousand five hundred dollars; and the judges of each of said courts in cities of one hundred thousand inhabitants or over, an annual salary of three thousand dollars; the said annual salaries shall be paid by the mayor and common council of the cities wherein said courts may be established, out of the treasuries of said cities respectively, in quarterly installments, which shall be computed from the day of the appointment of said judges; and the clerks of said courts wherein the salary of the judges thereof is two thousand dollars shall receive an annual salary of seven hundred dollars; the clerks of said courts wherein the salary of the judges thereof is two thousand five hundred dollars shall receive an annual salary of eight hundred dollars; and the clerks of said courts wherein the salary of the judges thereof is three thousand dollars shall receive an annual salary of one thousand dollars; the salaries of said clerks to be paid in like manner as the judges are paid, and in addition thereto shall receive five per centum of all fees paid into said courts by the suitors therein; *provided*, that such additional compensation does not exceed the sum of two hundred dollars per annum.

By whom paid.

Annual salary to clerks.

By whom paid.

Proviso.

Clerk to keep account of all moneys received and paid out by him.

179. *And be it enacted*, That all fees allowed by virtue of this act shall be paid to the clerks of said courts, at the time and in the manner hereinbefore prescribed; the clerk of each court shall keep an accurate account of all moneys so received by him, and of all moneys paid by him in cases where he is required by this act to pay any

moneys, and to whom paid, and he shall render detailed monthly statements to the treasurer of the city where said court may be established, of such receipts and disbursements, and pay over to such treasurer monthly the balance remaining in his hands.

Balance to be paid city treasurer monthly.

180. *And be it enacted*, That the fees of constables, jurors and witnesses shall be those prescribed by this act, and shall be payable at the same time and in the same manner, and all other fees required by this act shall be paid to said clerks, to be by them accounted for in the manner directed in the preceding section of this act.

Fees of constables, jurors, witnesses, &c., how paid.

181. *And be it enacted*, That in addition to the fees allowed by this act, the following fees shall be allowed: to the clerk of the court of common pleas, for filing every case agreed upon or settled, the sum of one dollar; fifty cents whereof shall be paid by said clerk to the judges of said court as their fees thereon; to the constable for each day's actual attendance on the sittings of said courts, when such attendance shall be required by the judge, the sum of one dollar, to be paid by the mayor and common council of the city where said courts may be established, out of the treasury of said city; to any judge of the court of common pleas the sum of three dollars per day for each day that he shall actually preside in said district court, to be paid as last aforesaid.

Additional fees to clerk, &c.

182. *And be it enacted*, That the judges of said courts shall not be allowed to practice in the courts of common pleas of the county wherein said courts may be established.

Judge not to practice in courts of common pleas.

183. *And be it enacted*, That the mayor and common council of each city where said courts may be established, shall provide suitable rooms for the transaction of the business of said court or courts, and procure suitable furniture therefor, and such books and stationery as may be necessary.

Suitable rooms to be provided by the mayor and common council.

184. *And be it enacted*, That the judges of said courts may designate constables to attend the sittings of said courts, and to preserve order therein.

Judges to designate constables to attend.

185. *And be it enacted*, That the clerks of each of said courts shall enter into bond to the State of New Jersey, with at least two good and sufficient sureties, being freeholders in the county where said court or courts may be established, in the sum of three thousand dollars; which

Clerks to give bond.

bond to be entered into as aforesaid, by the said clerks and their sureties, with the condition thereof, shall be in the form following, that is to say: "Know all men by these presents, that we, A. B., C. D. and E. F., of the county of , are held and firmly bound unto the State of New Jersey in the sum of three thousand dollars to be paid unto the State of New Jersey, to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals; dated the day of , in the year of our Lord one thousand eight hundred and ; the condition of this obligation is such that if the above bounden A. B., shall well and truly execute the office of clerk of the district court of the city of , in the county of , and in all things touching and concerning said office, shall well and truly, faithfully and impartially, execute and perform the same according to law, as well with respect to all persons concerned as the State of New Jersey, and at the expiration of his said office, shall deliver to his successor in office, all the books, papers, records and writings remaining in the same, or appertaining thereto, then this obligation to be void, otherwise to be and remain in full force and virtue;" such bond shall be approved of by two of the judges of the court of common pleas of the county where said courts may be established, and when so executed and approved of, shall, together with the oath or affirmation of office, duly taken and subscribed, be recorded in the secretary's office, and filed in the same, to be by the secretary of state kept among the public papers of his office; and in case any person appointed clerk as aforesaid, before he shall enter into the security aforesaid, shall perform any of the duties required of him by law, in said office, he shall for such offence, forfeit and pay, for the use of this State, one hundred dollars, to be sued for and recovered by any one of the judges of the court of common pleas of the county in which the offence was committed, in an action of debt, with costs of suit, in the name of this State.

Form of bond.

Bond to be approved.

Oath and bond to be filed with secretary of state.

Penalty for performing any duty before giving bond.

Words "plaintiff" and "defendant," what to include.

186. *And be it enacted*, That the word "plaintiff," wherever used in this act, shall be taken to include "plaintiffs," or "person or persons instituting proceed-

ings;" the word "defendant" shall be taken to include "defendants," or "person or persons proceeded against."

187. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately. Public act.

Approved March 9, 1877.

CHAPTER CLIV.

An Act to prevent the deposit of mud, earth, soil, ashes or refuse on the New Jersey shore of the Hudson river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons, by means of any boats, scows or vessels, in any manner whatever, to cast or cause to be cast, thrown, dumped or deposited, any mud, earth, soil, ashes or refuse rock, or other solid substance or material, into the water of the North or Hudson river, at any point west of the line between the States of New Jersey and New York, unless the same be so deposited, dumped or placed behind a bulk head for filling, or by the side of a bulk head, to be thrown over the same, or be so confined that no dirt or refuse can escape into the waters of said river. Deposit of mud, earth, soil, ashes or refuse rock, &c., prohibited.

2. *And be it enacted*, That every person or persons, who shall in any manner violate the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than twenty-five dollars nor more than fifty dollars, for each and every offence as specified in section one, except where mud is dumped by mud scows or dredging scows, then the fine to be imposed is to be not less than fifty dollars nor more than one hundred dollars, for each and every scow load dumped into the river. Penalty for violation of act.

3. *And be it enacted*, That violations of this act may be prosecuted before any justice of the peace or any court having jurisdiction of violations of ordinances in Where prosecuted.

any town or city of this State, where said offence shall be committed; *provided, however*, that nothing in this act shall be held to interfere with improvements made upon lands under water which have been or may be granted or leased by the riparian commissioners, or which have been granted directly by legislative act, but all such improvements shall be so made as to deposit, dump or place all filling behind a bulk head, so that no portion of such filling-in shall escape on to the lands under water adjoining such grantee or lessee of the riparian commissioners, or such grantee or lessee by direct legislative act.

Proviso.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 9, 1877.

CHAPTER CLV.

An Act in reference to the mode of payment of interest on the indebtedness of cities.

Manner of payment to be prescribed by resolution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful hereafter for the board of finance and taxation, or other board or department having charge of the finances of any city, to prescribe by resolution the mode and manner of payment of all interest that may fall due on any city indebtedness, whether the same be interest on bonds registered or coupon, or upon any other class or character of indebtedness.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CLVI.

An Act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this State.

Providing for the recovery for publication of minutes and proceedings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this State the municipal boards whereof are authorized by special act of the legislature to publish the minutes and proceedings of said board or boards, the proprietor or proprietors of the official newspaper or newspapers so designated by said board or boards, which said official newspaper or newspapers have heretofore published said minutes in full, and not an abstract or synopsis thereof, shall be entitled to receive and recover from said city or cities payment therefor, according to the rates fixed by said municipal board or boards.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution for heating and ventilating the senate chamber.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the state house extension, appointed under the act entitled "An act to appoint commissioners to erect an addition and make repairs to the state house," approved March thirty-one, eighteen hundred and seventy-one, and the several supplements thereto, be and they are hereby authorized to make such alterations and improvements in the heating and ventilation of the senate chamber upon such plans as may be adopted by and under the directions of the senate members of the joint committee on public buildings, at an expense not exceeding two thousand dollars; and the necessary amount for that purpose is hereby appropriated for the payment of the same, the bills for which shall be audited by the comptroller, and paid on his warrant by the treasurer, from time to time, as may be required by the said commissioners. Alterations authorized. Amount of appropriation.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 2, 1877.

NUMBER II.

Joint Resolution to authorize the payment of assessments by the city of Trenton upon property of the State for street improvements.

Preamble.

WHEREAS, The common council of the city of Trenton have caused to be paved those parts of Clinton avenue and Perry street, in said city, in front of property of the State of New Jersey used for the purposes of the normal and model schools and the boarding houses connected therewith, and the board of city assessors have duly assessed the sum hereinafter named upon the said property of the State as its proportion of the expense and of the actual benefit which said property has received from said improvement;

State treasurer to pay amount of assessment.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be and he hereby is authorized and directed to pay to the treasurer of the city of Trenton the sum of twenty-two hundred and sixty-five dollars and seventy cents, the amount of the said assessments; *provided*, that the attorney-general of this State shall first certify that the account of said assessment is correct, and that the same has been legally laid and assessed against other owners on the same street.

Proviso.

Approved March 9, 1877.

NUMBER III.

Joint Resolution in respect to the prison system of the State of New Jersey.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall appoint three judicious citizens of this State to examine and report to the next legislature on the present prison system of the State, to suggest any plans for its improvement, and if such plans shall include the establishment of any penitentiary or intermediate prison to report an act for its establishment and government, and to recommend a plan and site for the same; and the expenses of such examination and report shall be paid by the treasurer when approved by the governor; *provided*, that the expense shall not exceed the sum of five hundred dollars. Appointment of commissioners. Expenses, how paid. Proviso.

Approved March 9, 1877.

NUMBER IV.

Joint Resolution for insuring the New Jersey state arsenal.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the quartermaster-general of the State be and he is hereby directed to place such amount of insurance against fire upon the state arsenal buildings and the property contained therein as he and the governor shall deem proper and advisable, and at the lowest rates at which the risks will be taken by sound and reliable companies. State arsenal buildings and property to be insured.

Premium, how paid.

2. *And be it resolved,* That the premium shall be paid by the treasurer on the warrant of the comptroller, when certified by the quartermaster-general and approved by the governor.

Approved March 9, 1877.

NUMBER V.

Joint Resolution for the better preservation of old manuscript letters, and letters patent in the state library.

Preamble.

WHEREAS, There is in the state library a rare collection of choice old manuscript letters from George Washington, and others of note and historic distinction, and also letters patent from George III to William Franklin; the preservation of which letters, manuscripts and papers is desirable because of the peculiar interest attaching to them, and which are in danger of being torn, effaced and partially destroyed in being continually handled by visitors to the library, desirous of examining these choice old letters written by men of mark in "ye olden times," now therefore,

Librarian authorized to prepare and arrange letters, &c., that the same may be seen.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey,* That the state librarian be and he hereby is authorized and directed to so arrange and prepare said old manuscript letters and letters patent now in the state library, that the same may be seen and examined without the necessity of handling them, and for the better preservation of the same; and for that purpose the said librarian is hereby authorized to procure such cases as shall be deemed necessary.

2. *And be it resolved,* That this resolution shall take effect immediately.

Approved March 9, 1877.

NUMBER VI.

A Joint Resolution relative to the publication of laws in German newspapers.

Preamble.

WHEREAS, An act entitled "An act relative to the publication of the laws of this State in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six, provides for the publication of said laws in one newspaper printed in the German language in each of the counties of Essex, Atlantic, Union, Mercer, Hudson and Passaic; *and whereas*, under the provisions of section three of the act aforesaid it is the duty of the secretary of state to furnish copies of the laws, as enacted by the legislature of the State, to the publishers of the papers entitled under the act to publish the same; *and whereas*, by reason of the unavoidable differences that arise in the translation of the laws by the different publishers of these German newspapers, which differences are often the cause of misunderstandings and misinterpretations of the laws on the part of that large class of citizens whose limited knowledge of the English language compels them to read the newspapers printed in the German language, and for whose benefit the act referred to above was passed and approved; therefore,

Secretary to furnish copy in German language.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be the duty of the secretary of state to furnish to the publishers of such newspapers printed in the German language as are authorized to publish the laws of this State, copies of these laws in the German language; and in order to secure a correct and uniform translation of the laws, the governor shall appoint a suitable person to make such translation, for which work the translator shall be paid the sum of thirty (30) cents for each folio of one hundred words, out of the same funds and in like manner as is provided for

Translator to be appointed by the governor.

Compensation.

in the act relative to the publication of the laws in newspapers passed and approved April twenty-one, one thousand eight hundred and seventy-six.

2. *And be it further resolved*, That this resolution shall take effect immediately.

Approved March 9, 1877.

PROCLAMATIONS.

PROCLAMATIONS

BY

JOSEPH D. BEDLE, GOVERNOR OF NEW JERSEY.

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

I, JOSEPH D. BEDLE, Governor of the State of New Jersey, do hereby, by virtue of the sixth section of the "Act providing for decreeing and making known that certain laws and joint resolutions have become inoperative and void," approved March 3, 1873, make proclamation, that the Comptroller of the Treasury hath, according to said section, reported to me the following named bills, approved at the last preceding session of the Legislature, (a list of which is hereto annexed, with the date of approval of each, and making part of this proclamation), as those that have become inoperative and void, for the reason that the parties interested therein have failed to pay the sum assessed thereon, and declared to be payable on the same according to the requirements of the act entitled "An act to increase the revenue of the State of New Jersey," approved March sixth, one thousand eight hundred and fifty-eight, and the supplement thereto, approved March eighteenth, one thousand eight hundred and fifty-nine.

Given under my hand and the great seal of
[L. S.] the State of New Jersey, at Trenton, this eleventh day of July, A. D. eighteen hundred and seventy-six.

J. D. BEDLE.

By the Governor:
HENRY C. KELSEY, *Secretary of State.*

New Jersey State Library

TITLES OF ACTS AND DATE OF APPROVAL.

List of Private Acts approved during the Legislative Session of 1876 *upon which the assessments have not been paid, as required by law.*

1. "An act for the relief of Moses R. Quigley," approved March 15, 1876.
2. "An act to change the name of Daniel Donovan to Daniel Curran," approved March 30, 1876.
3. "An act to repeal the ninth section of 'An act to incorporate the Guttenberg Ferry Company,'" approved April 21, 1876.

LETTER OF THE COMPTROLLER.

STATE OF NEW JERSEY,
OFFICE OF COMPTROLLER OF THE TREASURY,
TRENTON, July 7, 1876.

To His Excellency, JOSEPH D. BEDLE, *Governor:*

SIR—Pursuant to the provisions of section six of an act entitled "An act providing for decreeing and making known that certain laws and joint resolutions have become inoperative and void," approved March 3, 1873, I have the honor to transmit herewith a copy of the list of titles and dates of approval, or passage of the private acts passed or approved during the legislative session of 1876, upon which the assessments have not been paid as required by law.

Very respectfully,

Your obedient servant,

A. L. RUNYON,
Comptroller.

PROCLAMATION BY THE GOVERNOR.

WHEREAS, It appears to me by affidavit that on the sixth day of August, A. D. 1876, at about two o'clock in the morning, one Augustus C. Vigar, a policeman at Long Branch, in the county of Monmouth, was shot by some man unknown;

Therefore I, Joseph D. Bedle, Governor of the State of New Jersey, by virtue of the authority in me vested by law, do issue this my proclamation, and hereby offer a reward of five hundred dollars for apprehending and securing the person who committed the said act, or any person or persons who may have aided, abetted, comforted, harbored or concealed said person knowing him to be in such wise guilty.

Given under my hand and the great seal of the State of New Jersey, at Trenton, this
[L. S.] seventh day of August, A. D. eighteen hundred and seventy-six.

J. D. BEDLE.

By the Governor:

HENRY C. KELSEY, *Secretary of State.*

PROCLAMATION BY THE GOVERNOR.

WHEREAS, It appears to me by affidavit that on the fifth day of August, A. D. 1876, the dwelling house of George Chislett, near Elwood, in the township of Mullica, county of Atlantic, was feloniously broken into and the said Chislett murdered, and that certain persons named John Hill, Isaac W. Dayton and John Fullen, alias John McNanim, are charged with such crime;

Now, therefore, I, Joseph D. Bedle, Governor of the State of New Jersey, by virtue of the authority in me vested by law, do issue this, my proclamation, and hereby offer a reward of six hundred dollars for apprehending and securing the said persons; said reward to be paid on conviction of one or more of said persons, but the total reward not to exceed six hundred dollars.

Given under my hand and the great seal of the State of New Jersey, at Trenton, this [L. S.] twelfth day of August, A. D. eighteen hundred and seventy-six.

J. D. BEDLE.

By the Governor:

HENRY C. KELSEY, *Secretary of State.*

PROCLAMATION BY THE GOVERNOR.

WHEREAS, The laws of this State are full and severe against illegal voting and bribery and corruption of the voter, punishing alike, by fine and imprisonment, those who offer and those who receive bribes, and disqualifying all such from suffrage, and prohibiting any candidate convicted of such offence from holding his office, if elected; *and whereas*, in order to detect and punish offenders the law provides that the party to an act of bribery first complaining in writing, under oath, to a magistrate and sending a copy of his complaint to the prosecutor of the pleas, is exempt from the pains and penalties which would otherwise be inflicted upon him;

Now, therefore, I, Joseph D. Bedle, Governor of the State of New Jersey, do hereby caution all citizens of the existence of such laws, and enjoin upon all officers the strictest vigilance in the performance of their duty, so that all offenders may be arrested and punished, and the ballot-box be protected and preserved from frauds.

I also exhort and request all good citizens to aid the officers in the thorough enforcement of all laws for that purpose.

Given under my hand and seal at the Executive Chamber, in the city of Trenton, this
[L. S.] third day of November, A. D. eighteen hundred and seventy-six.

J. D. BEDLE.

Attest:

JOHN A. HALL, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

Having just completed one hundred years of existence as a State (the original Constitution of New Jersey having been adopted July 2, 1776), the people of this Commonwealth, while acknowledging their gratitude to God for the blessings of the year drawing to a close, have special reason to thank Him for the happiness, growth and prosperity of the whole century, and in view thereof, I, Joseph D. Bedle, Governor of the State of New Jersey, do hereby appoint Thursday, the thirtieth day of November, instant, and recommend its faithful observance as a day of public Thanksgiving and Praise to Almighty God for His great goodness in the past, and of humble prayer for future blessings.

Given under my hand and seal at the Executive Chamber, in the city of Trenton, this
[L. S.] fourteenth day of November, in the year of our Lord one thousand eight hundred and seventy-six, and of the Independence of the United States the one hundred and first.

J. D. BEDLE.

Attest:

JOHN A. HALL, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, March 21, 1877.

The bill entitled "An act constituting District Courts in certain cities in this State," having been approved and the Legislature having adjourned *sine die* before the nominations for judges, as provided therein, could be sent to the Senate for their advice and consent; Therefore, I, Joseph D. Bedle, Governor of the State of New Jersey, by virtue of the power in me vested by the Constitution, do hereby convene the Senate of said State, at the State House, in the city of Trenton, (in the Senate Chamber,) on Wednesday, the twenty-eighth day of March, A. D. eighteen hundred and seventy-seven, at the hour of twelve, noon, of that day.

Given under my hand and the great seal of the State of New Jersey, at Trenton, the twenty-first day of March, A. D. eighteen hundred and seventy-seven.

[L. S.]

J. D. BEDLE.

By the Governor:
HENRY C. KELSEY, *Secretary of State.*

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SPECIAL PUBLIC ACTS.

SPECIAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND FIRST LEGISLATURE.

CHAPTER I.

An Act to cure defects in the issue of, and make valid certain bonds issued by the trustees of School District Number Twenty-four, in the county of Middlesex, for the purpose of purchasing land and erecting thereon a school house in said district.

Bonds legalized and made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bonds which were issued by the trustees of school district number twenty-four, in the county of Middlesex, amounting in all to twenty-five thousand dollars, and which are dated the first day of June, anno domini eighteen hundred and seventy-six, and which were issued for the purpose of paying for the purchase of land and erecting thereon a school house for said district, be and they are hereby made valid and legal in all respects and binding upon the said district and the inhabitants and property thereof, the same as if said bonds had been issued in compliance with all the requirements and provisions of the act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four; and all the acts and proceedings of the inhabitants and voters and trustees of said school district, rela-

tive to the issue of said bonds and the purpose for which they were issued, are hereby declared to be and made legal and valid and binding in all respects the same as if done in conformity with the provisions of the said act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved February 1, 1877.

CHAPTER XIX.

An Act to repeal an act entitled "An act to facilitate the collection of taxes in the township of Clark, in the county of Union.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to facilitate the collection of taxes in the township of Clark, in the county of Union," approved March twenty eighth, one thousand eight hundred and seventy-three, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 1, 1877.

CHAPTER XLII.

An Act to enable the city authorities of Jersey City to make a settlement with the contractor for the construction of reservoir number three of the Jersey City water works.

Preamble.

WHEREAS, A contract in writing was made on the second day of March, eighteen hundred and seventy-one, between the water commissioners of Jersey City and John W. Mitchell and David B. Bridgeford, for the building of reservoir number three of the Jersey City water works; *and whereas*, said contract was by a written assignment, dated the tenth day of January, one thousand eight hundred and seventy-two, assigned by Mitchell and Bridgeford to Jeremiah B. Cleveland; *and whereas*, after the contract with Mitchell and Bridgeford had been executed, the control of said reservoir was by law taken from the water commissioners and placed in the board of public works; *and whereas*, the consent of said board of public works was duly given to the aforesaid assignment to Jeremiah B. Cleveland; *and whereas* (before any work had been done by said Cleveland under said contract), the plans for building said reservoir were essentially altered by said board of public works, but notwithstanding such change, no advertisement was published for doing the work on the new plans, but the same was allowed to proceed under the aforesaid contract; *and whereas*, after said change of plans, and after much work had been done by said Cleveland, and partial payments therefor had been made, doubts arose whether the work could be legally continued under the contract upon the plans furnished, and whether further payments for that already done could be made, by reason of which the further prosecution of the work ceased, to the great loss and damage of said Cleveland; *and whereas*, said Cleve-

land claims that, by virtue of the premises, there is a large sum of money due and owing to him from the city, over and above what he has already received; *and whereas,* it is equitable that whatever sum is justly owing to said Cleveland, by virtue of the premises, should be promptly paid to him, and the matter adjusted upon an equitable basis; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That an act entitled "An act relative to reservoir number three of the Jersey City water works," approved March twenty-ninth, one thousand eight hundred and seventy-five, which act reads as follows:

"An act relative to reservoir number three, of the Jersey City water works.

Recital of preamble to original act.

"WHEREAS, A contract made on the second day of March, A. D. eighteen hundred and seventy-one, between the water commissioners of Jersey City and Mitchell and Bridgeford, for building reservoir number three, of the Jersey City water works, and the same was assigned to Jeremiah B. Cleveland on or about the tenth day of January, A. D. eighteen hundred seventy-two; *and whereas,* the plans for building said reservoir were essentially altered by a resolution of the board of public works, but no advertisement was published for doing the work on the new plans substituted for the original plans of construction, and the prices in the contract may not have been proper for the new work, and yet the said Cleveland proceeded to execute considerable of said work on said new plans, and claims that therefore a considerable sum of money is due to him; *and whereas,* the work should not be further proceeded with except after competition is invited as required by law, though the said Cleveland may have an equitable claim for money due him in respect thereof; therefore,

Section to be repealed recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the further prosecution of work on said reservoir shall be stopped; that complete specifications shall be prepared, and proper plans and drawings made therefor, and the work that the board or authority now having charge or hereafter having charge of the same thinks proper to have done on said reservoir,

shall be definitely determined upon, and that the said board or authority after the preparation of such specifications and plans, and such determination, shall proceed to advertise for proposals for doing said work, and furnishing the materials necessary, in the manner that is or shall be directed by law in other cases of public work in Jersey City, at the time of such advertisement; and the contract for doing such work shall be awarded as shall be provided by law in cases of other public improvements of the same or like nature.

"2. *And be it enacted*, That the board or authority aforesaid shall, if said Cleveland desires it, submit the question: 'what compensation, if any, is equitable due to said Cleveland for what has been done or furnished by him or his assignors, either under the contract before stated with his assignors, or for work done or materials furnished for said reservoir or the sewer therewith connected, outside of that contract?' not however charging said Cleveland with any over-payment to Mitchell and Bridgeford for work done by them, if any such over-payment there was, to the award and determination of such person or persons as said Cleveland and the board of finance and taxation of Jersey City shall agree upon, and the amount of said award, if in favor of said Cleveland, shall be paid to him by the board or authority having control and charge of said reservoir, in full of all claims and demands against such board or city or any department thereof, and upon his executing and delivering to said city a release of all demands in respect of the matters aforesaid. Section to be repealed recited.

"3. *And be it enacted*, That this act shall take effect immediately.

"Approved March twenty-ninth, one thousand eight hundred and seventy-five," be and the same is hereby repealed.

2. *And be it enacted*, That all claims of the said Jeremiah B. Cleveland against the city of Jersey City, in connection with said contract, and the reservoir therein mentioned, together with the sewer therewith connected, be referred to arbitrators, who shall hear and determine the whole matter, and award such a sum as under all the circumstances of the case should justly be paid by said Amendment. Abitrators to be chosen.

city to said Cleveland in full satisfaction of his claims in the premises.

Amendment continued.

Arbitrators, how chosen.

3. *And be it enacted*, That said board of public works shall forthwith after the passage of this act, select one man, to be approved by the mayor of said city, and notify said Cleveland of the name of the man so chosen by them, and approved as aforesaid, and thereupon said Jeremiah B. Cleveland shall forthwith select another man, and notify said board of public works of the name of the man selected by him; if either of the men so selected shall neglect or refuse to serve, then another man shall forthwith be chosen in his stead by the party who originally named the one so neglecting or refusing to serve, and so on until two men shall be found ready and willing to serve, and the two men so selected and willing to serve shall constitute the arbitrators mentioned in the second section of this act.

Duty of arbitrators.

4. *And be it enacted*, That said arbitrators shall, forthwith, after their appointment, proceed to investigate and determine the whole matter, and award such a sum of money as under all the circumstances of the case should justly be paid by said city of Jersey City to said Jeremiah B. Cleveland, in connection with said reservoir and the sewer therewith connected, and the contract for the construction thereof; that in reaching their conclusions, the arbitrators shall not be bound by the prices mentioned in the contract referred to in the preamble of this act, but shall allow to said Cleveland such prices as the work done and materials furnished were reasonably worth at the time they were done and furnished, and shall consider all claims made or presented by either party, and make such determination as they shall deem equitable; the amount awarded shall include interest on the sum found to be owing, for such time as the arbitrators shall deem equitable; the award of the arbitrators shall be for a sum total, and shall be in writing, signed by them in duplicate, and one copy shall be furnished to the board of public works of Jersey City and one to said Jeremiah B. Cleveland.

Proceedings in case of disagreement.

5. *And be it enacted*, That in case said arbitrators cannot agree upon the sum to be awarded, they shall select a third man to act as umpire, and in that case the decision of a majority of the three shall be the decision of

the arbitrators, and a report signed by two of the three shall be sufficient.

Award to be final.

6. *And be it enacted*, That the said award shall be final and binding upon all parties, and not subject to be reviewed.

Board of finance to make payment of amount of award.

7. *And be it enacted*, That upon the making of said award by the arbitrators, the board of finance and taxation of Jersey City shall forthwith pay to said Jeremiah B. Cleveland, the amount so awarded to him as aforesaid, out of any moneys in the treasury of Jersey City not otherwise appropriated, and in case there are no such moneys at that time in said treasury, said board shall forthwith cause to be issued the bonds of the city of Jersey City, either registered or coupon, to run for a period not exceeding thirty years, and drawing interest at seven per centum, and in denominations not greater than five thousand dollars each, and in such an amount as shall be necessary to pay to said Cleveland the sum so awarded as aforesaid, any law to the contrary notwithstanding, and out of the proceeds thereof shall pay to said Cleveland the amount so awarded as aforesaid; and in case at the time contemplated in this section, the control of the finances of Jersey City shall be by law elsewhere than in the board of finance and taxation, then and in such case the provisions of this section shall apply to the board or authority under whose control the finances of said city then are.

Release to be made and executed.

8. *And be it enacted*, That upon the payment to said Cleveland of the sum so awarded as aforesaid, he shall execute to the corporation of Jersey City and deliver to the board of public works of Jersey City a release of all claims and demands against the city on account of the construction of said reservoir and the sewer therewith connected, and of all claims and demands for any future gains or profits which might have accrued to said Cleveland in case he had carried out and fulfilled the contract so assigned to him as aforesaid, and had completed the reservoir and sewer aforesaid, as contemplated by said board of works.

Proceedings in case of vacancy.

9. *And be it enacted*, That if during the progress of the arbitration, and prior to the signing of the award, either of the arbitrators or the umpire should cease for any reason to act, whether by death, resignation, neglect

or otherwise, his place shall be immediately filled in the manner pointed out in section three of this act, and the board so reconstituted shall be thenceforth the arbitrators as fully as if they had been the persons originally chosen.

Compensation.

10. *And be it enacted*, That said arbitrators shall receive as compensation for the labor performed in the premises the sum of two hundred and fifty dollars each, half to be paid by the city and half by said Cleveland; *provided, nevertheless*, that if any arbitrator shall resign or cease to act before the completion of the arbitration, he shall not be entitled to demand or receive any compensation for the labor by him performed.

Proviso.

Provisions to apply to board having authority.

11. *And be it enacted*, That in case the control of the Jersey City water works shall be by law placed in some other board or authority than the board of public works before the commencement or completion of the arbitration provided for in this act, then the provisions of this act shall apply to such board or authority the same as if the board of public works had continued in charge of such water works.

To be liberally construed.

12. *And be it enacted*, That this act shall be liberally construed so as to accomplish the object herein contemplated.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1877.

CHAPTER XLIII.

An Act to set off from the township of Woolwich, in the county of Gloucester, a new township, to be called the township of West Woolwich.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Woolwich, in the county of Gloucester, lying and

being within the following boundaries, to wit: beginning in the centre of the road leading from Paulsboro to Swedesboro at Purgy Bridge; thence along said road to the direct road leading past the stone meeting house to its terminus in the Bridgeport road; thence across in a direct line to the High Hills, on the west side of Raccoon creek; thence along the Avis new road to an angle in the old Ferry road; thence along the Homan road to the road leading from Harrisonville to Pedricktown; thence in a straight line to Old Man's creek; thence along Old Man's creek to the mouth thereof, at Delaware river; thence at right angles with the shore, in a straight line, until it intersects the boundary line between the State of New Jersey and the State of Pennsylvania; thence up said Delaware river to a point opposite the mouth of Purgy creek; thence in a straight line to the mouth of said Purgy creek; thence along the said creek, the several courses thereof, to the place of beginning, shall be and hereby is set off from the township of Woolwich, in the county of Gloucester, and made a separate township, to be known by the name of the township of West Woolwich.

Corporate name.

2. *And be it enacted*, That the inhabitants of the township of West Woolwich shall be and are hereby constituted a body politic and corporate in law, by the name of "The inhabitants of the township of West Woolwich, in the county of Gloucester," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all regulations, government and liabilities that other townships are now entitled to or subject by the existing laws of this State.

Time of holding first town meeting.

3. *And be it enacted*, That the inhabitants of the township of West Woolwich aforesaid shall hold their first annual town meeting at the hotel of John P. Sheets, in Bridgeport, in said township, at the time now fixed by law for holding town meetings in the several townships of this State.

Committee to allot and divide assets and liabilities.

4. *And be it enacted*, That a committee consisting of three members of the township committee of each of the townships of West Woolwich and Woolwich, shall meet at such place in the village of Swedesboro, in the township of Woolwich, as a majority of said members of said committee shall designate, on the first Monday in April, next, at ten o'clock in the forenoon, and shall then

and there, or as soon thereafter as may be, proceed to allot and divide between the said townships the assets, liabilities and real estate of the old township of Woolwich, in proportion to the taxable property and ratables, as taxed by the assessor at the last assessment, and to ascertain the just proportion of debts to be paid by the inhabitants of each of said townships, and that if any of the committee on the part of either of said townships shall neglect or refuse to meet as aforesaid, those assembled may proceed to make said division and to ascertain the said proportions of debt, and the decision of the majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the said meeting to such time and place as a majority of those assembled as aforesaid may think proper.

Proviso.

Commissions of justices and commissioners of deeds not to be impaired.

5. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justice of the peace, or of the commissioners of deeds, until they shall expire by their own limitation; or so as to impair the rights of the said township of West Woolwich in and to its just and legal proportion of the surplus revenue of the general government and the interest thereof.

Assembly district.

6. *And be it enacted*, That the said township of West Woolwich shall form a part of the second assembly district of the county ot Gloucester.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1877.

CHAPTER CXLII.

An Act to authorize the adjustment and payment of claims and demands arising out of proceedings taken under an act entitled "An act to provide for the construction of a main sewer in the city of Hoboken and township of Weehawken," approved April fourth, one thousand eight hundred and seventy-three, and supplements thereto.

Preamble.

WHEREAS, That part of the township of Weehawken wherein the sewers which were authorized to be constructed by said acts has been annexed to the city of Hoboken, and the commissioners who were appointed under said acts have ceased to exercise the powers conferred; *and whereas*, claims and demands for services rendered and work and labor done and materials found and provided, touching the improvements by said acts authorized under contracts or undertakings with the commissioners appointed under said acts, remain unpaid, and it is just that a remedy should be provided; therefore,

Proceedings for collection of claims and demands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons having claims and demands against the commissioners appointed under said act for services rendered or work and labor done and materials for the same found and provided under any contract or undertaking with said commissioners, which claims and demands are held in his or their own right and not by assignment, can bring an action or actions of assumpsit therefor or other action or actions as the case may require, against the mayor and council of the city of Hoboken, in any court of this State having competent jurisdiction, and the mayor and city council of the city of Hoboken can plead thereto, and such action or actions shall be conducted as other actions of a like character for like claims under the

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laws of this State, with like remedies by writs of error, appeals or otherwise, as provided by law; this act shall not authorize any actions for any claims and demands for loss of profits where contracts and agreements shall have been entered into by said commissioners with any person or persons, and which contracts have not been performed in whole or in part; in case such claims hereby authorized to be prosecuted shall be found just and lawful, final judgment shall be entered thereon against the mayor and council of the city of Hoboken then it shall be the duty of the mayor and council of the city of Hoboken to pay such judgments, and to collect the amount thereof by taxes, in the manner that taxes shall be assessed and raised in said city, and appropriate provision shall be made for the assessment and collection of such taxes by the mayor and council of the city of Hoboken, for which authority is hereby given.

Claims can be submitted to arbitration.

2. *And be it enacted*, That by consent between the mayor and council of the city of Hoboken and such claimants, or any of them, such claims and demands as aforesaid can be submitted to arbitration, and the award or awards of such arbitrators, made in accordance with law, shall have the same force and effect as judgments as aforesaid, and the amount thereof shall be paid as aforesaid, and raised by taxation as aforesaid.

Compensation to corporation attorney, &c.

3. *And be it enacted*, That it shall be the duty of the corporation attorney of the city of Hoboken to appear for and on behalf of said city in any action that may be brought against the said the mayor and council of the city of Hoboken, or in any submission to arbitration by virtue of the provisions aforesaid, and that he shall be entitled to such reasonable compensation as may be approved of by the mayor of said city, and which compensation so approved as aforesaid shall be paid by the said mayor and council, and all lawfully taxable costs of such suits or submissions to arbitration.

By whom paid.

4. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 9, 1877.

CHAPTER CLI.

Supplement to an act entitled "An Act for the continuation of the ravine road sewer in the city of Jersey City and the city of Hoboken," approved April ninth, anno domini one thousand eight hundred and seventy-five.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of the act to which this act is a supplement, and which reads as follows:

"That the said commissioners shall have power to employ a competent surveyor and engineer, and to designate one of their own number as treasurer of the said commission, who shall receive and pay over all the moneys arising from the building of said sewer, and give bonds, before entering upon the duties of his office, to the mayor and council of Jersey City in its corporate name, in the sum of twenty thousand dollars, with such freehold security as the said the mayor of Jersey City may approve, for the faithful performance of his duties, and such other agents and officers as they may deem necessary, and make or cause to be made a map or maps of the proposed route of the said sewer, and file a copy of the same in the offices of the clerks of the city of Jersey City and city of Hoboken; cause descriptions and specifications of the work or any part thereof to be prepared; advertise for proposals to perform said work or any part thereof; all advertisements for proposals to be inserted in at least two newspapers printed and published in each of the cities of Jersey City and Hoboken for a period of two weeks; issue improvement certificates in their own names in payment therefor, therein and thereby pledging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as they may therein designate, not exceeding two years from the date

of issue, bearing interest at the rate of seven per centum from the date of issue; take bonds with sufficient sureties of any officer, agent or contractor employed by said commissioners, for the faithful performance of any duty or work entrusted to them; and generally to do every act and thing necessary to construct the said sewer," be amended by adding to said section the following words:

Amendment.

Provided, that whenever the said improvement certificates, shall, in the hands of any one holder thereof, represent in value the sum of one thousand dollars, then such proper authorities of the said city of Jersey City and the city of Hoboken respectively, as have in charge and under their control and management the finances and financial affairs of said city of Jersey City and the said city of Hoboken respectively, shall issue to said holder of said certificates, bonds of the said city of Jersey City and the said city of Hoboken respectively, equal in representative value to the representative value of said improvement certificates as aforesaid, and in lieu of said improvement certificates, which bonds shall bear lawful interest; and the said improvement certificates for which said bonds shall be issued, shall, upon the delivery of said bonds to said holder of said certificates presenting the same, be cancelled, and when so cancelled shall be the proper vouchers to said proper authorities of the said city of Jersey City and the said city of Hoboken respectively, for the bonds so issued to said holders respectively.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CLII.

An Act authorizing John R. Cyphers, Abraham Seigel and Isaac Laubach, trustees of school district number one, of Warren county, and Robert Kelley, trustee on behalf of the Presbyterian denomination, John Wieder, trustee on behalf the Lutheran denomination, Isaac Laubach, trustee on behalf of the Methodist denomination, and William Edinger, trustee on behalf of the Christian denomination, to sell the school house and property situate in said school district, in the village of Finesville.

Authorized to sell school house, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John R. Cyphers, Abraham Seigel and Isaac Laubach, trustees of school district number one, of Warren county, and Robert Kelley, trustee on behalf of the Presbyterian denomination, John Weider, trustee on behalf of the Lutheran denomination, Isaac Laubach, trustee on behalf of the Methodist denomination, and William Edinger, trustee on behalf of the Christian denomination, be and the same are hereby empowered, to sell the school house and property belonging to the said school district number one and the aforesaid denominations, and to apply the proceeds arising therefrom, after paying all necessary expenses, to paying the debt that has been incurred in the erection of a school house in said district to the erection of a school house in said district.

Proceeds, how applied.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CLIII.

An Act to repeal an act entitled "A further supplement to the act approved March twentieth, one thousand eight hundred and sixty-seven, entitled 'An act to incorporate the New Jersey Sugar Refining Company,'" which said supplement was approved April sixth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "A further supplement to the act approved March twentieth, eighteen hundred and sixty-seven, entitled 'An act to incorporate the New Jersey Sugar Refining Company,'" which said supplement was approved April sixth, eighteen hundred and seventy-five, and which said act reads as follows:

Supplement to be repealed recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said company, and any other corporation, or any individual or individuals, to agree together for the supply of water to said first mentioned company, at such rate and on such terms as may be mutually agreed upon; and that it shall be lawful for said first mentioned company to lay down all necessary pipes for conducting such waters from any place in the county of Hudson to their refineries without the let, hindrance or disturbance of any person or authority; *provided*, that said pipes shall be laid in any public streets or highways or with the consent of the owners in any place not a public highway; *and provided further*, that such pipes shall be laid, and from time to time repaired under the direction and superintendence of the officer having the care, charge or superintendence of any street in which they shall be laid; and that said company shall at all times, in the exercise of said rights, be subject to the regulations of the local authorities, so as they shall be reasonable and do not deprive of the right

hereby granted; *and provided further*, that nothing herein shall authorize any agreement for the supply of water which shall take the place of the supply of water obtained by said company from the public water works of the city of Jersey City, which shall be applied to the uses to which said supply from said water works is applied," be and the said act is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

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ONE HUNDRED AND FIRST LEGISLATURE.

CHAPTER XVI.

An Act to confirm the acknowledgment of two deeds, one from John Harris to Daniel B. Oaks, the other from Daniel B. Oaks to Thomas Oram.

Preamble.

WHEREAS, It appears to the legislature that the two deeds, hereinafter particularly described, were acknowledged out of the State of New Jersey, and the certificates of the officer taking said acknowledgments do not fully comply with the requirements of the statute, although said deeds have been duly recorded, and remained on record over sixteen years; therefore,

Acknowledgments declared good and sufficient.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acknowledgment of the deed from John Harris and wife to Daniel B. Oaks, dated November fourteen, eighteen hundred and sixty, and recorded in the clerk's office of Union county November seventeen, eighteen hundred and sixty, in book seven of deeds, page three hundred and sixty-four, &c.; and the acknowledgment of the deed from Daniel B. Oaks and wife to Thomas Oram, dated November fifteen, eighteen hundred and sixty, and recorded November seventeen, eighteen hundred and sixty, in book seven of deeds for Union county, page three hundred and sixty-six, &c., shall be taken and held to be good and sufficient in law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1877.

CHAPTER XXIX.

An Act to construe and define the second section of an act entitled "A supplement to the act entitled 'An act to incorporate the Cape May and Millville Railroad Company, approved on the ninth of March, eighteen hundred and sixty-three,' approved March thirteenth, eighteen hundred and seventy-two."

Preamble.

WHEREAS, The wording of the second section of the act above referred to is vague and indefinite, and doubts have arisen as to its legal and proper meaning and construction; now therefore, in order to set such doubts at rest, and to limit, construe and define such section,

1. BE IT ENACTED *by the Senate and General Assembly of of the State of New Jersey,* That the second section of the act hereinbefore referred to, and which is in the words following, to wit:

Recital of section.

"2. *And be it enacted,* That the said company and the West Jersey Railroad Company, whose roads are connected at Millville, may at any time or times hereafter enter into or make any such agreements, contracts or arrangements, for the consolidation of their capital stocks, or property or business; or to enter into or make such other arrangements for uniting, promoting and harmonizing their business, as their respective boards of directors, for the time being may think proper,"

How construed.

shall be taken and construed to mean as fully authorizing and empowering the said the Cape May and Millville Railroad Company and the said the West Jersey Railroad Company, at any time or times hereafter, to enter into or make any such agreement, contract or arrangements for the consolidation and merger of their capital stocks or property, including their corporate rights, powers and franchises, and their business; and also when such consolidation and merger shall have been made the said section shall be construed to empower the consoli-

dated company into which the two hereinbefore named shall have been merged and consolidated, to use, exercise and enjoy all the rights, privileges, powers, property and franchises which both or either of said corporations now enjoy or are possessed of.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immedately.

Passed March 5, 1877.

CHAPTER XXX.

A Supplement to an act entitled "An act to incorporate the Camden Hospital," approved March twenty-fourth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of The Camden Hospital be and the same is hereby changed to "The Cooper Hospital." Name changed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1877.

CHAPTER LXXXIV.

An Act to validate and confirm certain conveyances made and to be made by the devisees of William Megill, deceased.

Preamble. WHEREAS, William Megill, late of the city of Trenton, county of Mercer, and State of New Jersey, deceased, did in his lifetime purchase five several lots or parcels of land situate in the city of Trenton and in the borough of Chambersburg, and all now in the county of Mercer, the deeds for said lots having inadvertently been made to him in the name of McGill instead of Megill, which said lots and parcels of land were in his possession at the time of his decease, he having left a will which was duly proved and admitted to probate by William P. Sherman, then surrogate of the county of Mercer, in which he devised his said lands to his three sons, Charles Megill, Henry Megill and James Megill, who having sold a part of said real estate, therefore,

Deeds and conveyances to be valid, &c. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such deeds and conveyances as have been made or as shall be made by the said Charles Megill, Henry Megill and James Megill and either of them or their heirs, (devisees under the will of the said William Megill, deceased, of the said lands and premises late of William Megill, deceased), shall be as valid and shall convey as good a title thereto as if the deeds had been properly made to the said William Megill in his correct name.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER XCIX.

An Act to repeal the ninth section of an act to incorporate the Guttenberg Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of an act entitled "An act to incorporate the Guttenberg Ferry Company," approved March twenty-fifth, eighteen hundred and sixty-nine, and which reads as follows:

"9. *And be it enacted*, That this act shall continue in force for thirty years from the passage of this act, and that unless said company, within five years from the passage of this act, shall have established a ferry and have the same in operation so as to accommodate the inhabitants, this act shall be void," be and the same is hereby repealed. Section recited. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

CHAPTER CXLVIII.

An Act to change the corporate name of the Mansfield Presbyterian Church, in the borough of Washington, in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the Presbyterian church, in the borough of Washington, in the county of Warren, heretofore known as "The Mansfield Presbyterian Church," be and the same is hereby Name changed.

name as changed.

changed to The First Presbyterian Church of Washington, New Jersey.

Change of name not to affect rights heretofore enjoyed.

2. *And be it enacted*, That all deeds, gifts, grants, devises, bequests, records, acts and things whatsoever, in which the said corporation has been described by any former corporate name, shall be good and effectual in law, and shall enure to the benefit of the First Presbyterian Church, of Washington, New Jersey, as effectually as if said name had been originally inserted therein.

Legal rights unchanged.

3. *And be it enacted*, That all the legal rights, remedies and liabilities of the said corporation shall remain the same as if this act had not been passed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1877.

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